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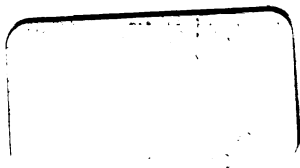


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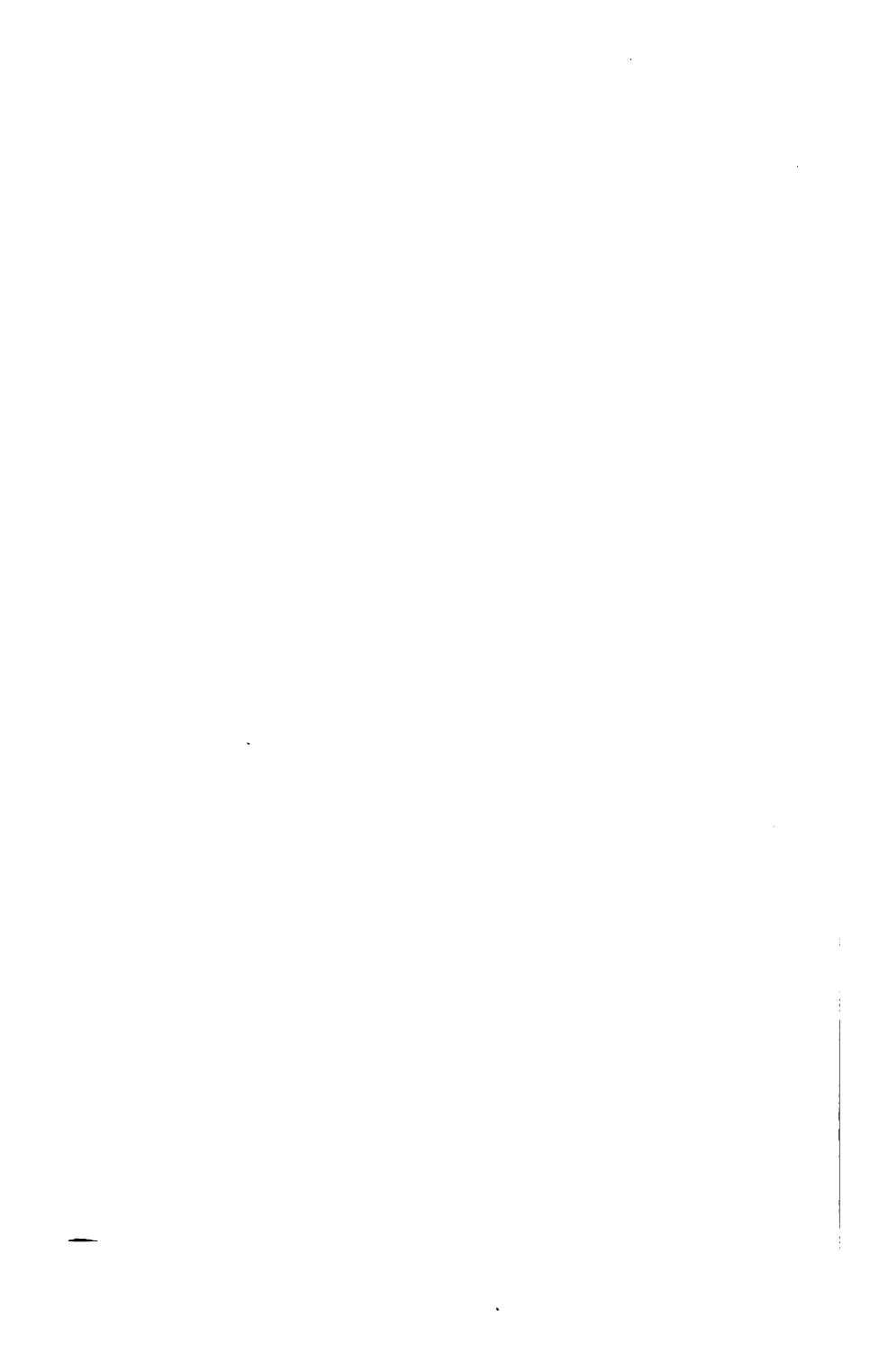
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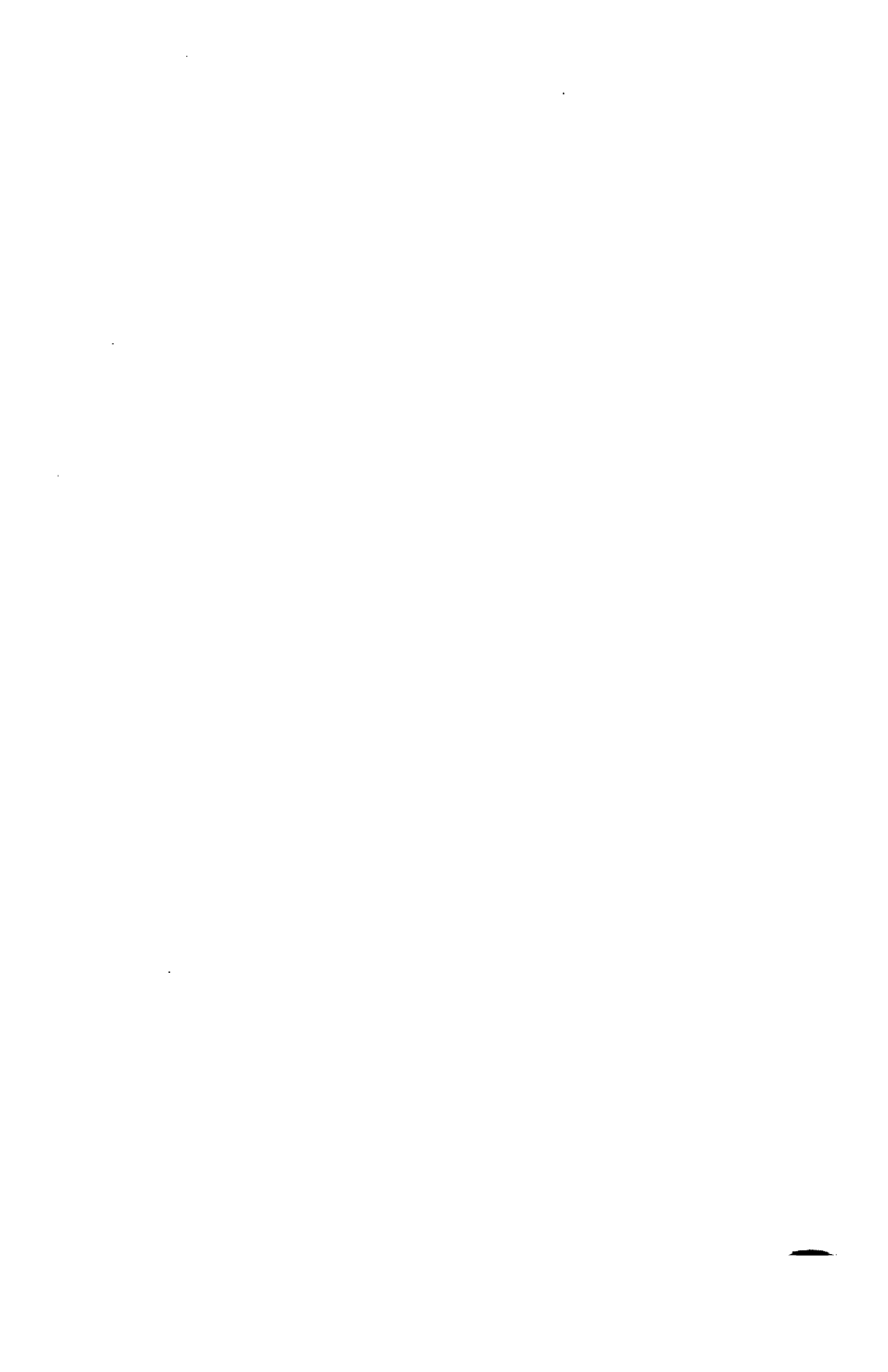
PROFESSOR OF HISTORY













*Midi*  
**PORTUGAL;**

OR,

**Who is the lawful Successor to the Throne?**

BEING

**AN ENQUIRY,**

INSTITUTED WITH A VIEW TO AID IN REMOVING THE FALSE IMPRESSIONS  
CREATED IN THE PUBLIC MIND, FOUNDED ON A

**CAREFUL EXAMINATION**

OF

**The National Laws and Historical Records,**

APPLICABLE TO THE CASE IN QUESTION;

OR LIKELY TO ENABLE THE ENGLISH READER TO FORM A  
JUST OPINION ON

**THE RELATIVE RIGHTS**

OF THE

**TWO COMPETITORS TO THE EUROPEAN THRONE**

OF THE

**BRAGANZA FAMILY.**

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*De minoribus rebus, Principes consultant, de majoribus, omnes. Tacit.*

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*Os Direitos das Nações, são mas velhos que os dos Reis.—*

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**BY A WELL-WISHER TO THE PEACE AND INDEPENDENCE  
OF BOTH PORTUGAL AND BRAZIL.**

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# PORTUGAL ;

OR,

WHO IS THE LAWFUL SUCCESSOR TO THE EUROPEAN  
THRONE OF THE BRAGANZA FAMILY?

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**AMONG** the many novel and perplexing questions, affecting European interests, which have grown out of the Independence and Separation of the Southern division of the New World, perhaps there is none so singular and important, in its immediate consequences, as the dispute, still apparently maintained, respecting the right of Succession to the Throne of Portugal; nor any on which opinions more varied, contradictory, and erroneous have been offered to the British public.

It will be remembered that the invasion of the Peninsula by the French, towards the close of the year 1807, compelled the Court of Lisbon to pass over to Brazil; and it was quickly perceived that the head of the Braganza Family, from the moment of his arrival in a new Empire, intended to bid an eternal

adieu to his European dominions, fearful of again being involved in the alarming convulsions which had marked the commencement of the present century. He, therefore, determined to fix his future residence at Rio de Janeiro, in the centre of one of the finest and most luxuriant portions of the globe, and thus an old project was accomplished, which had been frequently recommended to the Sovereigns of Portugal, during the exigencies of their hereditary dominions. This memorable event soon became the signal for one of the most momentuous revolutions which the New World had witnessed, since its discovery, as well as a prelude to the completion of that grand political transition, effected during our own times, in the Northern division of the same continent. Events had gradually paved the way for the separation of Brazil from the mother country, and the impulse being once given, human efforts were no longer adequate to its control. This was the inevitable consequence of the invasion of the Peninsula—a consequence certainly never anticipated by the French ruler, who had fondly hoped that the Ultramarine provinces, both of Spain and Portugal, would await the issue of the contest at home, as the former had done during the War of Succession, and then join their interests to those of the favorite conqueror.

By the arrival of the Braganza Family on the other side of the Atlantic and the establishment of the Portuguese court at Rio de Janeiro, the old Colonial system was at once abolished, and Brazilian ports opened to the flags of all friendly powers. A Bank was subsequently established; grants of land were offered to foreign settlers, and superior legal courts

and literary institutions opened, corresponding to the dignity of the new capital. On the 17th of Dec. 1815, John VI. who had just assumed the title of King, on the death of his mother, issued a decree, raising the "State of Brazil to the dignity, pre-eminence, and title of a Kingdom;" at the same time announcing that he had consulted the Congress of Vienna on a measure of such importance. This change filled the Brazilians with joy, and most materially influenced their future destinies. By giving them another kind of political existence, it rendered new institutions necessary for the popular welfare and the preservation of the national dignity. From that moment, the independence of Brazil was secured, and the subsequent events which occurred in the capital, on the 26th of February, 1821, when the Prince Royal took the oath to the new order of things, established in Portugal, in his own and his Father's name, served only as a further confirmation.

Europe, in the interval, had been established on a new basis; Portugal was free, and the danger of any further aggression completely removed; but the several members of the Braganza Family had no thought of revisiting the land of their ancestors, notwithstanding the remarkable and ominous occurrences passing there, as well as the additional circumstance of two of the king's daughters being married and settled in Spain. So far was John VI. from entertaining any idea of returning to Europe that, on the 24th of the same month of February, when accounts of the important and successive changes in Portugal were pouring in, and it was still dubious how they would affect Brazil, he issued a

decree, proclaiming that, "in consideration of the circumstances in which the monarchy was placed, he had resolved to send his son, Dom Pedro, over to Portugal, there to determine and execute every thing that might be necessary for the restoration of tranquility; the hearing of complaints; the reformation of abuses and security of the Constitution;" His Majesty further adding, "that the laws and institutions of Portugal not being equally applicable to the Kingdom of Brazil and other Ultramarine dominions, he ordered the Representatives of the Municipalities of Madeira, Açores, Brazil, &c. to assemble at Rio de Janeiro, there to deliberate on the alterations and amendments which it might be expedient to make in the Constitution, adopted by the Cortes of Lisbon."

This decree fully evinced the king's determination not to quit Brazil, although pressed to return by his European subjects. Even as early as the year 1816, when all appearance of danger had subsided, the British government sent over a small squadron, under the command of Sir John Beresford, to escort him back; but he persisted in his refusal. The alarming events, however, which succeeded each other in Portugal, with an awful and astonishing rapidity; the impossibility of any longer governing that country from Brazil; the evident and irresistible tendency of the latter towards a state of independence; the alarm which he felt at the surrounding display of republican feeling, already openly manifested at Pernambuco; the dread too of losing his hereditary dominions in Europe, unless he himself personally appeared there, and his apprehensions of their being annexed to Spain; together with the urgent and reiterated remonstrances



of the British and Austrian cabinets, at length determined His Most Faithful Majesty to return to Lisbon, where he arrived on the 4th of July, 1821, having previously appointed his son, Dom Pedro, as Regent, with full and ample powers, even to declare war and make peace, telling him at the same time that, "rather than allow Brazil to become a prey to adventurers, he was to take it for himself;"\* thus, in reality, authorizing him to complete the work of independence, already so far advanced.

On the 29th of March, 1821, the Lisbon Cortes published the "Bases" of a future Constitution, almost literally copied from that of Cadiz, formed in 1812, and this singular Code was pompously passed as a legislative enactment. The 21st Article, nevertheless, confined its operation "to the Portuguese residing in Europe," thereby excluding the Brazilians, or at least acknowledging their right to give, or withhold, their adhesion to the social compact, which their European brethren had undertaken to frame for the whole monarchy. After the principles of equality which the exulting "Regenerators of 1820" had early proclaimed, it would, in fact, have been too glaring an assumption of power to attempt a peremptory legislation for a distant people, not represented in a Congress, denominated a national one; the original great error of their neighbours and models of the other division of the Peninsula. After this tribute of justice paid to the sovereign rights of a people, it would scarcely appear credible that, on the ensuing 29th of September, the Portuguese Liberals, panting

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\* Vide Correspondence between King John VI. and his son Dom Pedro.

to be free themselves, yet eager to rivet the chains of others, issued a decree, commanding "that Brazil should be separated into provincial governments—that thenceforwards they should respectively correspond with (and consequently be dependent upon) the ministry of Portugal—that the superior tribunals should be suppressed—that the Prince Regent should return to Lisbon, and thence be sent on his travels, to France or England, (as his younger brother afterwards was) accompanied by such attendants as the Cortes might appoint for him," &c. On the other side of the Atlantic this decree, and more particularly the debates by which it was preceded, could be viewed in no other light than as a direct insult against the Prince, and an undisguised attempt to bring back the Brazilian provinces to their former state of colonial vassalage. With this view, fresh fleets and armies were prepared in the Tagus, "for the purpose," as one of the popular orators said in the Cortes, "of restraining a handful of factious men, who stifled the voice of five millions of their fellow citizens." This blindness and imprudence doubtless accelerated the separation of a country, already independent *de facto*, and for several years the seat of the general government. The news of such revolting conduct, in fact, filled the Brazilians with indignation. The principal provinces, St. Paul, Rio de Janeiro, Minas Geraes and Rio Grande, immediately sent the most vehement addresses to the Prince Regent, denouncing their oppressors, and expressing their abhorrence of such unjust and intemperate acts. Brazil immediately became agitated, from one extremity to the other, whilst the organs by which public opinion is

expressed, clearly indicated the approach of an alarming crisis. The eyes of all were turned towards the Prince, and on him, and him alone, the future destinies of Brazil seemed to rest. The standard of revolt was on the eve of being unfurled, and indignation burned in every breast.

Through the imprudence of the Lisbon Cortes, an inveterate war was thus systematically declared against the Brazilians, and the daring threat further accompanied by taunts and humiliations. The haughty rulers, stationed on the Tagus, seemed resolved to treat Brazil as a conquered country, and again enthral it with their detested chains. Had not a national and indignant feeling displayed itself among them, the Brazilians must have become the dupes of speculative and theoretical principles, as well as the victims of ambitious and designing demagogues. They, however, saw the danger to which they were exposed, and stedfastly beheld the approaching conflagration, preparing to encompass them. One only hope of safety remained. Eternal Separation and a Sovereign to rule them, was their alternative; the bold resolution was at once taken, and they openly called upon the Prince Royal to determine which side he would select. "Your Royal Highness' departure from the States of Brazil," said the Province of St. Paul to him, "will be the decree that shall sanction, for ever, the independence of this Kingdom." He shuddered at this declaration, for it was telling him, that Brazil would be for ever lost to the House of Braganza, and divided into twenty small republics, in which the Blacks must inevitably gain the ascendancy. He hesitated, while a thousand fond associ-

ations agitated his mind. The first sound of anarchy and civil war, however, already vibrated in his ear; whilst the European troops in garrison were disposed to uphold and enforce the mandates of the Lisbon Cortes, and more were daily expected. He could no longer defer the momentous choice. He felt the situation in which he was placed—he saw the brilliant prospect before him, and he also remembered the contingencies to which his paternal dominions had been exposed, during the various convulsions in Europe, which had driven himself and family to America. He determined never again to run the risk of a similar dilemma; and he was besides struck with the grand and benign idea of becoming the founder of a new Empire. His determination was taken—and placing his hand on his sword, he exclaimed, “Let us be independent!” and immediately afterwards gave the Municipality of Rio de Janeiro the most solemn assurances that, “as the general happiness of the Brazilians required it, he would never quit them, and that thenceforward, their cause should be his own.” This answer, exultingly communicated by the Municipality to the people, on the 9th of January, 1822, produced an effect, truly electric, in every Brazilian heart.

The real fact is, that under such circumstances, no other alternative was left. It was impossible to govern Brazil by rude and thoughtless mandates, transmitted from the banks of the Tagus, and if the Prince abandoned the charge confided to him, that country was irretrievably lost to Europe.—Nothing could save it from being divided into as many Black republics, as it contained provinces, an inevitable transition of which Pernambuco already stood as a

sad example. The Prince Regent was the only bond of union between them. If, on the other hand, the European and American portions of the monarchy had then remained united, at the death of the Father, Portugal must have become the colony of Brazil. All these difficulties were, in fact, foreseen by the king himself, before his departure from the Western world, and hence was it, that he told his son to avail himself of such circumstances as might arise, and take the best portion of his dominions for himself, rather than allow it to become a prey to anarchy, or be made the sport of audacious and designing adventurers. He obeyed the parental mandate, at a moment when, had he hesitated, his American inheritance was lost to him and his family for ever. Still he clung to Portugal—on the other hand, revering a parting parent's last injunctions. At first, he even felt inclined to submit to the humiliations, preparing for him by the Lisbon Faction, who, in the interval, had obtained complete possession of the king's mind and overruled all his acts; but, when he looked around and saw the Brazilians imploring his aid; pointing out the dangers to which they were exposed; the confusion and anarchy awaiting them; the horrors of the rising ascendancy of a disproportionate Black population, unavoidable from the moment the provinces were left to themselves, as well as the rapid growth of republican principles and delusive theories, in all the other new States surrounding him, he nobly—generously, pledged to be a Brazilian, and thenceforwards have no interests—no feelings—no predilections which might lead him to look back to Europe. The sequel has shown that he was sincere in his professions.

No one will accuse Dom Pedro of making a bad, or an inconsiderate choice. Had he, at the critical moment above alluded to, obeyed the rash and haughty commands of the Lisbon "Regenerators," he must have betrayed the interests of a people, sincerely devoted to him, as well as those of his own family. The Brazilians had been virtually independent, with a monarchical government, for fifteen years, and the rights and privileges thereby acquired, they were determined never to forgo. They knew their own strength, and when they chose Dom Pedro as their Sovereign, it was with a fixed and unanimous resolution to place their independence beyond any contingency of European origin. Their object was to leave the same rights and liberties unimpaired to their offspring, and had not Dom Pedro at the time seconded their views and solemnly pledged to uphold them, they never would have trusted him with the crown. They were attached to Portugal—they were anxious for her welfare, and made the necessary distinction between the intemperate acts of an ephemeral government and the wishes of the great body of the people; but their habits and feelings led them to independence; an impulse had been given which they themselves could no longer control, and they resolved not to lose the favorable opportunity of realizing their fondest hopes.

Considerable difficulties, however, were yet to be overcome. The Portuguese troops in garrison still held an imposing attitude, and felt disposed to thwart the views of the Brazilians. Their commander, General Avilez, not wishing to be responsible for the effusion of blood, gave in his resignation and re-

requested permission to return to Europe. His battalions took the alarm, and on the 11th (January) assembled, in military array, in order to choose another leader. This was the signal for a general commotion. The Brazilians instantly flew to arms, and this firm and decided demonstration on their part, saved their capital from becoming the theatre of a serious contest. The European troops accepted terms, and agreed to withdraw to Praya Grande, on the other side of the bay, where they again assumed a menacing attitude, declaring they would await the arrival of the expected reinforcements. The Prince assembled Brazilian troops from every quarter, and stationed them in their rear: then, going on board the flag ship of the fleet, intended to cooperate with the Brazilian land forces, he formally announced his intentions to commence an attack on the Portuguese encampment, and that he himself would fire the first gun. Negotiations ensued, the result of which was, that the Portuguese troops embarked on the 12th and 13th of February; and scarcely had they disappeared from the horizon, when another expedition, composed of several vessels of war, among which was a 74, coming from the Tagus, was announced, the commodore of which had peremptory orders to bring back the Prince to Portugal. Suffice it to say, that this fleet was sent away, and the Brazilians then bid an eternal adieu to the Portuguese "Regenerators" and their willing myrmidons.

Many incoherent measures successively followed in Lisbon; but they produced no effect whatever in Brazil, where a final separation had been resolved upon. Threat after threat, and decree after decree,

were issued by the Lisbon Cortes, and at last, they notified their intention of excluding the Prince Royal from the Succession to the throne of his ancestors, if he did not return within a given period. These impotent threats were however disregarded; his choice was made, and nothing could now alter his determination. In the mean time, the Portuguese flag waved over Bahia, and all the energies of the Brazilians were directed to dislodge the occupants. There and at Monte-Video, Portuguese troops were alone to be found. After a harrassing and destructive warfare, which could only tend to widen the breach between the two countries, both these fortified towns were at length evacuated and the garrisons replaced by Brazilian troops.\*

Such was the spirit in which Brazilian Independence and Separation were achieved—and such is the outline of the various occurrences which led to an event, memorable, both as regards Brazil and Portugal, since it completely changed their relative position towards each other. The separation was intended, at the time, to be as complete as it was in the power of human foresight to make it; and it was confidently thought that every possible barrier had been placed against a reunion, at any future period,

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\* Bahia was occupied by the Brazilian troops on the 20th of July, (1822) General Madçira, commanding the Portuguese, having haughtily refused to enter into any capitulation with his opponents. He embarked on board the *João Sexto*, 74, with all the property he could collect, and accompanied by 80 sail, 20 of which were vessels of war, availed himself of a favorable wind and an open harbour, and bid adieu to the Brazilian shores, pursued by Lord Cochrane, who, it will be remembered, captured several of the vessels belonging to the Portuguese Convoy.



however distant, or under any circumstances, however extraordinary, or unforeseen. These were the conditions on which the new empire was founded—these the terms on which a crown was offered to the Prince Royal. He agreed to the conditions, and from that moment became inseparably bound to the fate of his new subjects. He bade an eternal adieu to Europe, and consequently surrendered up all rights which might lead him to cling to the land of his ancestors.

The first difficulty which the new monarch began to experience, in the administration of his kingdom, was, an appearance of republican, or democratic principles in some of the Northern provinces, which necessarily occasioned him considerable uneasiness. In order to prevent the growth of delusive theories which, in so mixed a population, could not fail to be attended with fatal consequences, he, on the 9th of August, 1823, addressed a Proclamation to the Brazilians, in which he says, “Some of the Chambers in the Northern provinces, have given to their deputies instructions, breathing a democratic spirit. Democracy in Brazil! In this great and vast Empire, it would be an absurdity. \*\*\*\* Brazilians! trust to your Emperor and Perpetual Defender. He wishes no power that does not belong to him; but he will never allow that to be usurped, to which he is entitled, and at the same time so indispensably necessary to secure your happiness. Let us wait for the Constitution of the Empire, and let us hope that it will be worthy of you. May the Supreme Arbiter of the universe grant to us union and tranquility—strength and perseverance; and the great work of our liberty and inde-

pendence will be accomplished!" The same democratic feeling subsequently manifested itself in the General and Constituent Assembly, which for several days was in a state of complete anarchy, when at length the Emperor dissolved it, on the 11th of Nov. and this spirited measure, followed by the fall of Pará and Maranhão, tended to consolidate the Imperial power and defeat an opposition, that threatened to plunge the country into ruin and dismay.

On the 11th of December, the promised Constitution, framed by a Committee, specially appointed, made its appearance; and, after being accepted by all the Camaras, or Municipalities of the Empire, received the Emperor's sanction, and was immediately promulgated and put in force as the Charter, or Fundamental Law of the land. The first Article of the National Code declares and enacts, "That the Empire of Brazil is the Political Association of all the Brazilian Citizens. They constitute a free and independent Nation, which does not allow of any bond, any union, or federation with any other, that may be opposed to its independence." Nothing can be more clear and explicit than this declaration, as regards Portugal. Brazil swore never again to allow of any bond, union or federation, opposed to her independence, which was the same as to say, the two crowns shall never again be united on the same head. The object in view was entire separation, and the purport of this special clause, to place that separation beyond the control of any monarch, who might hereafter sit on the Imperial throne. It was evident that Portugal and Brazil must thenceforwards continue to be governed by the Braganza family; but it was

equally clear, that the two independent and separate countries were to be swayed by distinct members, for on no other condition was the social compact of the Brazilians formed.

Chap. iv. relating to the "Succession of the Empire," and Art. 116, says, "Senhor D. Pedro I. by the unanimous acclamation of the People, the present Constitutional Emperor and Perpetual Defender, shall always reign in Brazil. Art. 117.—His legitimate issue shall succeed to the Throne, according to the regular order of primogeniture, \*\*\* preferring always the male to the female, &c. Art. 118.—The lines of the legitimate issue of Senhor D. Pedro I. being extinct, even in the lifetime of the last descendant and during his reign, the General Assembly shall choose the new dynasty. Art. 119.—No foreigner shall be allowed to succeed to the Crown of the Empire of Brazil. Art. 120.—The marriage of the Princess, presumptive heiress to the Crown, shall be concluded at the will of the Emperor; but if no Emperor exists at the time when these espousals are contemplated, they cannot be effected without the approbation of the General Assembly. Her husband shall have no part in the Government, and shall only be called Emperor, after he has had by the Empress a son or daughter."

In the first of these five articles, the Emperor of Brazil acknowledges the principle of the sovereignty of the people, and agrees to accept his power from the same origin that bestowed it on the First Portuguese Alonzo; but he binds himself always to reign in Brazil, which, according to the basis previously established, was a positive and direct pledge never to

reign any where else, the Brazilians having closed the door to any future "bond, union or federation with any other nation," which, consequently, implied the exclusion of Portugal. The other clauses are intended to secure the lineal succession; but it is clear, from the distinct avowals made in the Charter, that, in case of any unforeseen event, affecting this essential part of the Fundamental Law, recurrence must be had to the General Assembly, according to the principle that in Portugal calls for the intervention of the Three Estates of the Realm. The Emperor of Brazil has only one son, D. Pedro, born on the 2nd of Dec. 1825, and consequently not quite three years old, as may be seen from the Genealogical Table of the Braganza Family, found in the Appendix, under the head of A. The male being preferred to the female line, he is, of course, the heir apparent to his father's throne; but, if any accident were to happen to him, his eldest sister, Maria da Gloria, and Princess of Gran-Pará, is the next in succession, and how great would not be the confusion in Brazil, if she were absent at the time of any such accident, particularly if seated on the throne of Portugal, or withheld by any European tie! Between so tender an age as that of the presumptive heir, and manhood, the risk, in such a climate as that of Brazil, is great, and consequently the expectations of the young Princess are not so unfounded as to render this a matter of small import. Such an event as that alluded to, might again unite Brazil to Portugal, the very contingency against which it was so anxiously sought to provide.

It is indeed strange that the Brazilian Assembly, who have so just and immediate a voice in every

measure that affects the direct succession to the throne, have not been consulted on an arrangement by which it is evidently endangered. The projected marriage of the Princess Maria da Gloria, her estrangement from Brazil, and consequently the forfeiture, or at least invalidation of her rights to her father's throne, if his private plans be carried into effect, have all been resolved upon, without their consent or concurrence being once asked! Such improvidence, or neglect, on their part, jealous as they are in so many other respects, of every thing that regards their own affairs, could not be expected. When their new Empire was founded, they resolved to have an American interest; to possess within themselves and in the firm unity of power, all the elements of independent existence and national security, as also of domestic prosperity and improvement; in a word, the means of preserving their country and constitution inviolate, and yet they overlook the only expedient that could place their throne beyond the reach of contention. Europe has already witnessed three Wars of Succession, and any intermarriage of two members of the Braganza Family, having separate and distinct interests, and but privately contracted, could not fail to sow the seeds of another between Portugal and Brazil.

As a further illustration of the spirit and feeling with which the Independence and total Separation of Brazil were effected, it may be proper to observe that, a year after the restoration of the King of Portugal to full and absolute power, and the dissolution of the new fangled Cortes, the same acts of wanton hostility, on the part of the Lisbon Government, con-

tinued unabated, at a moment when there was not a single Portuguese soldier remaining on the Brazilian soil. Nay, it is a remarkable fact, that those very ministers, agents and writers, who now so obsequiously cringe to Dom Pedro, are the very men, who then loaded him with insults and opprobrium, and actually treated him as the scourge of the human race! How many of their own edicts, commissions and writings, might we not appeal to, in proof of this assertion! By such harsh treatment, the forbearance of the Brazilians was at length exhausted, when the Emperor, urged by public clamour, issued a spirited decree, dated June 10th, 1824, (see Appendix B.) confirmatory of all his previous declarations, and promulgating his own political Creed, as far as regarded Portugal. This is both a curious and important paper in the annals of that contest between Portugal and Brazil, which constitutes the prominent feature of this part of our inquiry, since it shows the decided resolution of the Brazilians and their Emperor, at the same time that it depicts the impressions caused upon their minds, by the unprovoked and aggravated wrongs, so inconsiderately heaped upon them.

After alluding to the unjust and illiberal policy of the Lisbon Government, and reiterating the "universally adopted resolution of the Brazilians to defend their liberties, to the last drop of their blood," the Emperor complains that, "instead of the olive branch and an offer of mutual commercial intercourse, as the best means of deriving reasonable advantages from Brazilian independence," the Portuguese authorities "were still projecting plans of reunion and subjec-

tion, both inadmissible and impracticable." After adverting at some length to the warlike preparations, making against Brazil, and the insidious acts of the Lisbon Government, he energetically exclaims: "What would they with us—those infatuated ministers, who urge His Most Faithful Majesty to take so violent a course! Would they re-colonize us? What insanity! Would they dictate laws to us, by offering to us, with lighted matches and fixed bayonets in their hands, a nominal independence, founded on an artful basis? Gross error—miserable policy! Would they tear me from among you, and have me to leave you, abandoned to all the horrors of anarchy? That they never shall accomplish—To arms, Brazilians! INDEPENDENCE OR DEATH, is our watch-word. Your Emperor and Perpetual Defender who, as you know, abhors and despises the ease and pleasures of a throne, is about to take the field—to unsheath the sword, and he once more swears that he is ready to die with it in his hand, amidst the brave Brazilian legions." In another Proclamation, about the same time addressed to the inhabitants of Pernambuco, and found in the Appendix C, after treating every idea of a reunion with Portugal as preposterous, the Emperor declares that, "having perfectly identified himself with the Brazilian people, he is resolved to share their fate; whatever it may be;" adding, "that his interest, happiness and glory do, and always will, correspond with those of the Brazilian people," &c.

If, therefore, the events which led to the achievement of Brazilian Independence and Separation be observed, and their several stages and results deliberately examined, it must appear, that the resolution

then taken, both by the Emperor and the people, was founded on a perfect and perpetual estrangement—a full abrogation of all the bonds that ever connected, or hereafter could connect, them with the parent country. All the declarations, at the time put forth, breathed this unqualified resolution, and it was confirmed anew by the oath of the Emperor himself, when he assumed the Imperial diadem. This resolution originated in no rash love of change—no restless impatience of restraint. Independence and Separation formed the only alternative left, and one to be expected from the ordinary course of human affairs. It was, in fact, part of that great crisis, then leading the New World to throw off the fetters of the Old, by establishing a distinct and peculiar interest. The Brazilian provinces had long ago reached a state of adolescence, and they had besides just emerged from a cruel and fruitless war, waged for the sole purpose of wresting from them the attributes of sovereignty and independence, and compelling them to return to their old and hated state of dependency. Ill treatment, on the part of the Lisbon rulers, no doubt accelerated the memorable event, and gave to it a character of anger and irritation which it otherwise would not have borne; but the occurrence had long before been decreed in the Book of Fate, and the destinies of Brazil were no longer in human hands. At length, the Brazilians have attained the object of their wishes, and having secured their Independence and Separation from all future contingencies; having also guarded both by suitable ramparts, and being besides, in possession of a government, suited to their habits and wants, as well as of a monarch who may



be justly called the pride of the age and the glory of his subjects, the same efforts may be hereafter expected from them in favor of their newly-acquired liberty, which they evinced under every species of adversity against a domestic tyrant. Brazil now forms a new planet in the political world, and it will be the anxious care of the people to watch over institutions which they themselves have erected on the ruins of Colonial vassalage.

The last memorable act of King John VI.th's life, was the acknowledgment, illegally treated by him, of the Independence of Brazil. The negotiations which led to this act of justice, on the part of Portugal, commenced in London, in 1824, where the respective plenipotentiaries of the two contending powers met, under the immediate auspices of the British and Austrian Cabinets. Their deliberations ended in a Treaty, signed at Rio de Janeiro, on the 29th of Aug. 1825, and ratified at Lisbon on the 5th of Nov. in the same year: the conclusion of which treaty, on the part of Portugal, was confided to Sir Charles Stuart. By this solemn act, His Most Faithful Majesty declares that, "having constantly in his royal mind the most lively wishes to re-establish Peace, Friendship and Harmony between kindred nations, whom the most sacred bonds ought to conciliate and unite in perpetual alliance; in order to attain objects so important, to promote the general prosperity, and secure the political existence and future destinies of Portugal, as well as of Brazil; And, wishing at once to remove all the obstacles which may prevent the said Alliance, Concord and Felicity of both the one and the other State, by His Letters Patent of the

Thirteenth of May, in the current year, he had acknowledged Brazil in the rank of an Independent Empire and separated from the Kingdoms of Portugal and Algarves, and his above all others most beloved and valued son, Dom Pedro, as Emperor; of his own free will, yielding up and transferring the Sovereignty of the said Empire to his said Son and his lawful Successors; only taking and reserving for himself the same title."

On the simple condition that the son would allow the father to use the title of Emperor, during his lifetime, (which can be considered in no other point of view than as an act of vanity on the part of a weak old man) and not accept propositions from any of the Portuguese Colonies to join Brazil, the Independence and Separation of the latter were thus acknowledged and sanctioned by the King of Portugal, as he declares, "of his own free will," and the right of Sovereignty vested in the present Emperor; furthermore, the British Government was a party to this transaction, both by having lent its mediation during the preliminary negotiations, as well as by allowing Sir Charles Stuart, a functionary of its own, to be one of the special commissioners employed to carry the treaty into effect. By the Eighth Article of the said Treaty a commission was also appointed, composed of an equal number of Portuguese and Brazilians, for the settlement of the mutual claims of the two nations, and in case of a parity of votes, it was agreed to leave the matter in dispute to the Representative of the Mediating Sovereign," of course, meaning His Britannic Majesty. This was the solemn act which sanctioned, and, in the eyes of the world,

legalized the Independence and Separation of Brazil, and to it evidently the British Government was an immediate party, and consequently is bound, as the mutual friend of both contracting powers, to see the several stipulations duly carried into effect,

It is not the object of the present Inquiry, at least in this place, to ascertain whether or not, according to the existing laws, King John VI. had a right, of himself and without the concurrence of the nation, to alienate any portion of his hereditary dominions, of which doubtless he was no other than the life possessor. The act itself will ever wear the appearance of an undue stretch of power, on the part of the reigning sovereign, although the case was certainly a new one, in the annals of Portuguese history, and consequently not specially provided for. The nominal transfer might indeed be considered as making a virtue of necessity, for Brazil was, at the moment, as much lost to Portugal, as the United States of North America were to Great Britain, six years after they had declared their Independence. John VI. and his ministers, however, immediately after the downfall of the Cadiz Constitution, adapted (so thought the "Regenerators") to the wants of Portugal, very formally acknowledged the expediency, nay, the necessity, of reviving the use of the Statute Laws of the Realm, as being the only proper and legal basis on which a Charter, or National Code, could be founded; and certainly these Laws are opposed to any such transfer. No example of the alienation of an integral part of the hereditary dominions of Portugal, however small, is to be found among the public records. The most absolute and powerful monarchs never took this

responsibility on themselves. King Edward (Duarte) promised the fortress of Ceuta to the Moors, as a ransom for his brother Ferdinand; but the Representatives of the People told him, "that not even for a son, much less for a brother, would they consent to have the city delivered up." "*Que nem por hum filho, quanto mais por hum irmão, consentirião que a Cidade se entregasse.*" The same sovereign appointed his own Queen, Leonora, to govern the monarchy, during his son's minority; but, the Cortes of Torres Novas refused their consent to the measure, in consequence of its being opposed to the Fundamental Laws. John II. who has always been considered as a model to princes, revoked the grants of crown property, unduly made by his predecessor; and so did Emanuel, who declared to the Cortes of Montemór, that the principle on which he proceeded was the illegality of the transfers.

The most remarkable feature in the above-mentioned treaty is, its perfect silence on the subject of the Succession to the throne of Portugal, an omission which evidently owed its origin to some unforeseen difficulty, or secret design. In the preamble, the Treaty does indeed set forth, that its principal object, among other considerations, was, "to secure the political existence and future destinies of Portugal, as well as of Brazil;" an avowal, from which it must be inferred, that the intention of King John VI. was that Portugal should continue independent of and separated from Brazil; but a difficulty occurred as to how this was to be effected, and the dilemma, doubtless, for the first time, suggested to Dom Pedro the possibility of reuniting the two crowns on his own head, by a little finesse, contrary to the express

stipulations previously made with his Brazilian subjects. The Instrument in question was called a "Treaty of Independence and Separation," the consequent "destiny" that thereby awaited Brazil, and clearly its operation was intended to be reciprocal, as regarded Portugal. The question of the Succession was thus carefully kept out of view; nor was Dom Pedro therein called upon to express any renunciation of his rights to the European portion of his father's dominions, such a stipulation, at so late an hour, being totally incompatible with the pledges previously made to his Brazilian subjects, who otherwise would have taken the alarm, or accused him of insincerity towards them.

In the Imperial Decree, signed April 10, 1826, Dom Pedro proclaims, "that the Treaty being now mutually ratified, by virtue of which the entire Independence of the Brazilian Nation was acknowledged, as well as the Supreme Dignity to which he had been raised by the unanimous acclamation of the people, he had thought fit to ordain, that the most exact observance and execution should be given to the aforesaid Treaty, as suited to the sanctity of Treaties, concluded between Independent Nations, and that inviolable good faith under which they are signed." The acknowledgment of Brazilian Independence, on the ensuing 16th of the same month of April, was commemorated by the creation of an Order, called "PEDRO PRIMEIRO, Founder of the Empire of Brazil." The different European Powers severally acknowledged the Independence of Brazil, on the principle laid down in the Treaty; and the Emperor of Austria, through his minister, Prince Metternich, in

an official note, dated Vienna, Dec. 30, 1825, on this subject, "declares that he acknowledges, as far as regards himself, the Separation of the two Sovereignities, above mentioned, of Portugal and Brazil," &c. Nothing, in fact, could be more formal and explicit than the basis of entire Independence and Separation, avowed in the original Treaty and acknowledged by the several monarchs, who immediately afterwards entered into diplomatic relations with the new Empire.

In this state, matters remained between the two countries, till the 10th of March, 1826, when the venerable Monarch of Portugal, John VI. departed this life, without having expressed even his private sentiments as to what he considered "the future destiny of Portugal." Four days previous to his death, that is, on the 6th of March, after a sudden illness, which commenced on the 4th, and in the interval had assumed the most alarming appearance, he signed a Decree for the formation of a Regency, intended to govern the Kingdom during his illness, composed of the Infanta Isabel Maria and four Counsellors of State, expressly declaring, "that his said Imperial and Royal determination was to serve, in case God should be pleased to call him to his holy glory, until the Legitimate Heir and Successor to the Crown should have adopted his own measures, in this respect."

Thus terminated the political and physical Life of John VI. the King of Portugal and Head of the Braganza Family, exposed, during a long series of years, to various vicissitudes, yet, in every transaction, the firm and sincere friend and ally of Great Britain. Any research into his character, or any

elucidation of his policy, as a Sovereign, would here be superfluous. He was a weak monarch, although actuated by the best intentions, and sincere in his professions; but, during his long and chequered life, he does not appear to have had a minister of enlightened and independent mind, in whom he could confide, or a counsellor with whom he could unbosom himself. This unhappy want threw a doubt and uncertainty over most of the transactions of his government, and too often made him the victim of intrigue. Hence, he was timid in the enactment of any public measure, although doatingly fond of his countrymen, and anxious for their welfare. He was warmly attached to his eldest son, Dom Pedro; and a long residence, as well as demonstrations of the most affectionate regard, on the part of the people towards him, had sincerely bound him to Brazil, and made him solicitous that the Brazilians should attain the object of their anxious wishes. The happiest portion of his life had been passed among them. There he was, in great measure, removed from the turmoils of politics, the struggle of conflicting interests, and the pressure of foreign counsel, so irksome to his mind. Portugal had been the theatre of great political misfortunes to his Family, and domestic unhappiness to himself. He ever regretted having been brought from the repose of that portion of the New World, which he had raised to the rank of a Kingdom, and his dying accents were for its prosperity and independence.

He had not, however, the courage to look the difficulty that awaited Portugal in the face. He had long been at variance with the Queen, and the ministers

employed near his person, were incessant in their endeavours to widen the breach. They had indeed long treated Her Majesty with marked indignity, and were aware that, if she ever attained any ascendancy in the Government, they would be exposed to the immediate effects of her resentment. The second son, Dom Miguel, was attached to his mother, and her constant companion from his infancy. He had been sent to Vienna, where he was kept as a kind of State prisoner, and prevented from returning home. All these circumstances wore the appearance of design, or premeditation, particularly, as the personal enemies of the Queen and the Infante were seen actively at work, to prevent either from gaining an influence in State affairs.

Be this as it may—it is very clear that the death of John VI. preceded by the Independence and Separation of Brazil, at the time erected into a new Sovereignty, and as such acknowledged by all the European Powers, produced a novel and extraordinary case in the hereditary Succession of the Kingdom of Portugal—an unforeseen difficulty, which it would be impossible to settle, to the satisfaction of all the parties interested, without a recurrence to the Fundamental Laws, which, from the foundation of the Monarchy, had established the rule of Succession and served as a guide, on all great emergencies. No other alternative was left, unless it was wished to commit an act of usurpation and injustice, to the detriment of some one. It, therefore, became necessary to consult the Portuguese nation, through the medium of its Representatives, on a point of such extreme difficulty and importance, and revert to the regulating principles,



applicable to this novel dilemma. What these principles are, both in law and practice, it is necessary now to ascertain, otherwise, it will be impossible to form a correct opinion on the question at issue, or understand its several bearings. This arduous undertaking shall form the next division of the present Inquiry.

Ferdinand, surnamed the Great, of Leon and Castile, was the first monarch, who undertook conquests against the Moors, long established in Portugal, and the districts so regained from the Saracen yoke, were successively annexed to his own dominions. These conquests were continued by his successors, till at length, the kingdom of the Algarves also became a dependency on the crown of Castile.\* This species of right and tenure, founded on conquests made "*ab infidelibus*," was, in those times, considered the most sacred and indisputable that possibly could be alleged, and as such regularly confirmed by Papal grants. Portugal, therefore, was originally an integral part of the dominions of the Castilian Monarch, and in the general division of his States, bequeathed by Ferdinand to his youngest son, Garcia, under the name and title of a kingdom; but, in the course of time, the crowns of Leon, Castile and Portugal concentrating in the person of Alonzo VI. he raised that portion of territory, nearly corresponding to the Lusitania of the Ancients, into a sovereign and independent Earldom, bestowing it as a dowry with his daughter Theresa, on Count Henry and his successors for ever, and from him it descended to his son Alonzo Henriques, the founder of the Portuguese Monarchy.

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\* Chronica de El Rey D. Affonso III. de Portugal.

This monarch, the First Alonzo, consequently held the Earldom of Portugal by the right of succession; but, being an eminent warrior; a legislator, superior to the age in which he lived; an admirable politician, and distinguished as the Father of his people, he was by them and the army proclaimed king, on the eve of the celebrated battle against the confederated Moors, fought on the plains of Ourique, which ended in their total overthrow and eventual expulsion. On espousing Beatrix, daughter of Alonzo the Wise, King of Castile, the brave, sage, and triumphant Founder of the Portuguese Monarchy received as a dowry, and afterwards annexed to his crown, the territory which the Spaniards had conquered from the Algarves, and by this means the kingdom of Portugal was originally formed.

History represents the first Alonzo of Portugal as a warrior and statesman, of whom his countrymen, to the latest generation, have ample reason to be proud. The Legend of Ourique was indeed an endless theme of praise, during the dark ages; but Alonzo has infinitely higher claims on the sincere veneration of posterity and the gratitude of liberal men, of whatsoever nation they may be. Whilst yet in the arms of victory and loaded with the benedictions of a grateful people, he assembled the Cortes of Lamego, wishing to consolidate his kingdom, and practice the great moral truth—that power is the offspring of the people. Such a determination shows the talents and good qualities of Alonzo, more than all the panegyrics that possibly could be heaped upon him. He wished to establish the Fundamental Laws of the Land, and give to his own dynasty a right of succession, so much

the more sacred, as well as to his own title a character, so much the more solemn and undisputed, as the National Congress, intended to sanction the acts which he was about to propose, was composed of wise, free, and patriotic men, anxious for their country's peace and welfare, and determined to secure the benefits which they had just acquired; indeed both they and their sovereign seemed guided by principles, which scarcely could have been expected from them, in the age in which they lived. The great—the dignified Alonzo, seemed to acknowledge, that no government is legitimate which has not received the assent of the People, and that when otherwise established, it is an open and unjustifiable usurpation. "If a chieftain," he seems then to have argued, "at the head of an armed force, seize on a kingdom, and subjects it to his own laws, this conquest gives him no other than the right of force, which does not impose obedience on the conquered. The right of force is no real right—it is contrary to nature, and binds no longer than the weakness of the conquered lasts; ceasing from the moment the latter are in a situation to redress their own wrongs, and recover rights of which they had been forcibly despoiled."

Alonzo seemed particularly sensible of these truths, and hence he determined to convene the Cortes, or Three Estates of the Realm, as being the only legal organ of the people, and, consequently, the only legitimate source of power. By virtue of regular summons, they assembled at Lamego, an ancient city, situated on the Douro, in Lower Beira, towards the close of the year of our Lord, 1143, in the church of St. Mary de Almagave, when

the King, presiding on the occasion, declared as follows: "I, Dom Alonzo, son of the Count Dom Henriques and Queen Donna Theresa, grandson of Dom Alonzo, the Great, Emperor of Spain, and who, a short time ago, through divine mercy, was raised to the dignity of King, now that God has granted to us some repose, and that through his favor we have obtained a victory over the Moors, our enemies, and are, on this account, more at ease, in order that we may not afterwards be deprived of time, have convened to these Cortes all those persons whose names here follow; to wit, the Archbishop of Braga; the Bishop of Vizeu; the Bishop of Oporto; the Bishop of Coimbra; the Bishop of Lamego and the under-named persons of our Court, together with the Representatives of the people, each one for his city, to wit, for Coimbra, Guimaraens, Lamego, Vizeu, Barcellos, Oporto, Trancoso, Chaves, Castello-Real, Bouzella, Paredes-Velhas, Cea, Covilham, Monte-maior, Esqueira, Villa de Rey; and on the part of your Lord and King, Lourenço Viegas, there being besides a great multitude of monks and clergy." The assembly met at Lamego, in the most solemn order, and Alonzo, cheered by his countrymen, seated himself on the Throne, divested of the Royal Insignia, when Lourenço Viegas, the King's Procurator, arose and said—

"The King, Dom Alonzo, whom you raised upon the plain of Ourique, has caused you to be assembled here, in order that you may see the Briefs of our Holy Father,\* and say if you wish that he should be

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\* Pope Eugenius III. The Bull confirming Alonzo's title, signed by twenty Cardinals and Pope Alexander III. (1179) is still kept among the Archives of the Crown, in the Torre do Tombo.

king.\* (*Congregavit vos Rex Alphonsus, quem vos fecistis, &c. ut dicatis si vultis quod sit ille Rex. Dixerunt omnes—Nos volumus sit Rex.*) They all replied—We will that he should be King. If that is your wish, replied Viegas, give unto him the marks of Royalty; when they all exclaimed—We do give them to him, in the name of God. The Archbishop of Braga then rising up, received from the hands of the Abbot of Lervão, a large golden crown, covered with precious stones, which had belonged to the Gothic Kings, who gave it to that Monastery, and he placed it on the King's head, when the King, holding his naked sword in his hand, said—God be blessed, who has always assisted me; with this sword I delivered you and conquered our enemies, and you have made me your King and companion; and since you have made me so, let us enact Laws, by means of which our country may be governed in peace. (*Et Dominus Rex dixit; et vos me fecistis Regem & Sacrum vestrum, et si quidem: me fecistes, constituamus leges, per quas terra nostra sit in pace.*) They all answered—We wish, Lord and King, and we are content to make laws, such as you most please, because we all, together with our sons and daughters, our grandsons and granddaughters, are at your commands. (*Volumus, Domine Rex, et placet nobis constituere leges quas vobis bene visum fuerit, &c.*) And the King next called the Bishops, Nobles and the Representatives of the Cities, and they said among themselves—Let us first make Laws on the Inheritance and Succession of the King-

\* Vide Portuguese Copy of the Act of the Cortes of Lamego, in Appendix D, taken from Brandão's *Monarquia Lusitana*; Liv. x. page 193. Lisbon Edition of 1690.

dom, and they made," &c. (*Vocavit citius Dominus Rex Episcopos, Viros Nobiles, et Procuratores, et dixerunt inter se, Faciamus in principio leges de hæreditate regni, et fecerunt istas sequentes.*)

It is remarkable that, in the records of this memorable Assembly, there is not the slightest indication that the army was in any way consulted; or that any military officer had a voice on the occasion, unless as belonging to the three principal classes of the community, whose representatives were so convened and assembled. When we consider the early period at which this Assembly met; the state of the country, just emerging from the Saracen yoke, and previously subjected and ruled by various tribes of Barbarians, whose despotic and galling sway must have obliterated almost every idea of civil freedom and good government, deducible from Greek or Roman models; when we look at the spirit of justice, liberality and benevolence which marked every act of the enlightened and patriotic Founder of the Portuguese Monarchy; when we see him disclaiming a title, founded on divine right, and acknowledging the great and everlasting principle that all just power is derived from the people; when we hear him exclaim—

“ Prerogative! what’s that? the boast of tyrants;  
A borrowed jewel, glittering in the crown,  
With specious lustre, lent but to destroy;”

when we behold him enacting wise laws and devoting himself to the service of his people, with the magnanimity of a prince and the fondness of a parent, we are struck with astonishment at the virtues so early displayed by the Portuguese people,

and filled with admiration at the talents and patriotism of their earliest Sovereign.

The Three Estates of the Realm were thus convened for the sublimest of all purposes—the organization of a Government, as wise and legitimate as could be devised under the then existing circumstances. The character of the people for whom it was intended, was particularly consulted. The King wished to define and establish their rights, at the same time that he was anxious to see proper limits put to his own power. Hence is it, that the enactments, emanating from the Cortes of Lamego, have always been considered by the Portuguese as the Fundamental and Statute Laws of the Land, and as such, they have uniformly been revered. They were the *Magna Charta* of the Lusitanians, and one of their most eminent writers, in the time of Pombal, speaks of them as follows :

“ Because our Sovereign Lord and King, Alonzo Henriques, when laying the foundation of the Portuguese Monarchy, was anxious, in the most legal manner, to guard against all future disagreements, as well respecting the form of the Monarchical Government which he himself was administering, as the mode of Succession ; by establishing, for these two most important purposes, a Fundamental Law, firm and perpetual, and such an one as not even his own Royal Successors should be able to alter ; for, however august and independent the power of Kings may be, it nevertheless cannot extend so far as to abrogate the Fundamental Laws of a Kingdom. For this reason, therefore, in the aforesaid Cortes of Lamego, so different from all others, it was the King and his

Procurator of the Crown, who proposed to the Estates to hear them on such points as the latter had to vote upon. The people answered the questions submitted to them ; our Sovereign Lord and King thus constituting a National Congress, therein hearing the opinions of the people, concerting with them, and afterwards passing the Rescript of a Law, in his own royal name, (as seen from the proceedings) with a view, in future times, to obviate all doubts, and in order that those Resolutions might not be altered, even by the Sovereign Kings, his Successors, themselves, without the consent of the people ; nor by the people, without the intervention and concurrence of the Sovereign Kings, which by common award of the Sovereign King and the People, had been established ; this being the nature of Fundamental Laws, and that which renders them irrevocable in the manner aforesaid."\*

Stronger evidence of the existence of a social compact, the real basis and the firmest bond of all civil societies, than this, made and covenanted by the primitive Founder of the Portuguese Monarchy and his People, cannot possibly be adduced in the early records of any European nation. The Portuguese, in thus choosing and empowering a Sovereign, as well as by constituting themselves into a State, agreed to be bound by its laws ; the only guardians of social life. It has been very properly established, by some of the most eminent political writers, in modern times, that human beings could not be brought into

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\* *Seabra da Silva, Deduccion Chronologica e Analytica, Part I. Vol. II. § 676 and 677.*



coalition, without establishing certain duties and conditions, mutually binding on all the parties whom it was thereby intended to benefit. Men would never have associated, had not their own interests and advantage led them to do so. This, then, is the real purpose and genuine object of all civil and political societies, and no where is this principle more apparent, than in the original foundation of the Portuguese Monarchy.

The Statutes and Resolutions, emanating from the Cortes of Lamego and formally sanctioned by the King, intended as they were to provide for the peace and security of the realm, from that moment became the Charter of the Land; or, as they were more properly called, the Fundamental Law of the State, as the Magna Charta in England; the Salique Law, in France; the Golden Bull, in Germany; the *Pacta Conventa*, in Poland; or the Union of Utrecht, in Holland; and as such, they were ever revered. They were called the Sacred Code of Almagave, the name of the Church in which the deputies met and passed them.

In modern times, it has indeed been attempted to argue, that no original and authentic record of the Cortes of Lamego exists, and, consequently, that it cannot be quoted as an authority. This doubt first arose out of the circumstance of Father Brandaõ, the author of *A Monarchia Lusitana*, (*Lib. 1, Cap. 13.*) having declared that he never saw the original MS. record of these Cortes; having only found a copy of it, preserved in the Library of the Royal Convent of Alcobaca. He seemed also inclined to strengthen this doubt, by going so far as to mention, that several

Chroniclers and Historians who had preceded him, were perfectly silent on the subject; from which circumstance he ventured almost to infer, that they were unaware of the existence of any such important record. Imperfect, or even mutilated, as may be the traces of that early and memorable Constituent Congress, at so remote a period as the present one, or even in the days of Father Brandaõ, it is very clear that the Fundamental Laws, revered as the work of the Cortes of Lamego, in Portugal, continued in full force and vigour from the year 1143, till 1668, without the slightest interruption, and regulated the hereditary Succession to the throne, as well as many other important points of administration.

National writers, of the greatest eminence,\* on the other hand, and living in the early and successive periods of the Monarchy, in terms of joy and exultation, mention the Statutes of the Cortes of Lamego as being in force and the practical Law of the Land, treating them at the same time as a legal and constitutional antiquity of the Kingdom. How the original record was lost, is not noticed by any Portuguese historian; but the fact can be considered as no proof against the authenticity of the copy, preserved and religiously venerated as the evidence of a national Charter. The original of the *Loi Salique* does not exist, and yet it has regulated the hereditary succession of the French, ever since that point was first established. We ourselves have not the original of our own *Magna Charta!* nevertheless, it is the Englishman's pride.

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\* Vide P. Jose de Mello, Hist. Juris. Civil. Lusit; Seabra da Sylva, &c.

It is a fact, acknowledged by all the Portuguese historians, that, in the early ages of the Monarchy,\* there were no departments of government; no territorial magistrates; no superior courts for the adjudication of important points and the administration of justice, in consequence of which the Kings of Portugal performed circuits, to supply the deficiency and discharge the duties of their high office, by hearing the complaints and redressing the wrongs of their subjects, and sometimes meeting each one of the Three Estates of the Realm, in order to decide such points as affected their relative interests, and enact the corresponding measures. When, however, any great national question was to be decided; or any object of general utility in view, the Portuguese Sovereigns, who, in all the old Chronicles are equally called the "loving Fathers of their People," assembled the Three Estates of the Realm, as being the true organ of the nation, and proposed to them such laws, amendments and measures of policy, as circumstances required. They heard the opinions of all, and after consulting their own legal advisers and ministers, formed such decisions as were deemed conducive to the public good, not caring to take the responsibility on themselves.

The early institutions of Portugal were, in fact, evidently copied from those of Leon and Castile, where, even in the time of the Visigóths, the government was an elective Monarchy, and the right of election vested in the Bishops and Palatines; the people afterwards expressing their assent by ac-

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\* Seabra da Sylva; Leitão, *Lusit. Liberata*, &c.

clamation. If assassination, or successful rebellion placed an usurper on the throne, he invariably assembled a national Council, to have his right formally sanctioned by the Church, and the ceremony was usually followed by the severest denunciations against those who might seek to disturb his government. It was, in fact, a fundamental principle, in the Monarchies of Teutonic origin, that in all matters relating to the welfare and government of his subjects, the sovereign was bound to consult the Kingdom, and this precept was visible throughout the whole system. The sovereigns indeed could enact no general laws, without the concurrence of the people, this being the sole condition on which the latter pledged their obedience.

The Government of Leon and Asturias was a free and limited Monarchy, like that of the Visigóths, and conducted on the same plan. Alonzo I. was raised to the throne, (*ab universo populo Gothorum,*) and Alonzo II. (*totius regni magnatorum cœtu summo cum consensu et favore.*) Ordoño II. was elected—(*omnes siquidem Hispaniæ magnates, episcopi, abbates, comites, primores, facto solemniter generali conventu, cum acclamando ibi constituit.*) Alonzo IV. also resigned his crown, under the sanction of the Cortes. Vermudo II. and Ferdinand I. owed their crown to election, and the latter subsequently divided his dominions among his children, with the consent of his *Magnates*. The acts of the earliest Cortes which have been preserved in Spain, were passed at Leon, in 1020, under Alonzo V.; and Alonzo VII. likewise assembled Cortes at Palencia, in 1129, and again in 1135. Under him, also, the memorable Cortes of

Naxera were held, and his son Ferdinand II. assembled Cortes at Salamanca. These examples, selected from a long period of Spanish history, shew that the monarchs of Leon and Castile administered their Government with the advice of their subjects, assembled in Cortes, and, no doubt—no unforeseen case, relating to the Succession, was decided without their concurrence. The last time the Cortes were convened in Spain, on the ancient plan, was in 1788, by Charles IV. in order to receive the oath of allegiance to his son and successor, now Ferdinand VII.

It may, naturally, be inferred, that the great Alonzo of Portugal was ambitious of improving on his neighbours, and hence, was it, that every thing appears to have been conducted with the greatest order and regularity, at the Cortes of Lamego. These early assemblies were evidently formed in a somewhat indiscriminate manner, those persons most probably being summoned, whose presence could give weight to the deliberations, or effect to the laws and enactments emanating therefrom; nevertheless, they were considered as the virtual Representatives of the nation. In Spain, towards the close of the 12th century, the plan was improved, by certain towns and important places being allowed the right of elective franchise, when Delegates, or *procuradores*, representing the people, in the character of constituent members, were returned by the Municipalities, considered as the legal organs of the districts over which they presided, and this form was subsequently adopted in Portugal, where it has continued ever since.

From this practice, in both countries, arose the

custom, afterwards established into a regular and sacred precedent, of convening the Cortes, or Three Estates of the Realm, on all urgent occasions, the monarch being desirous, before he adopted a general measure, or proceeded to any new enactment, of consulting with and hearing the opinions of many; and when the practice of convening the Cortes was suspended, the Kings of Portugal, in the passing of all new laws and rescripts, invariably inserted in the preamble these words; "Having heard the members of my Council and many other ministers of learning and virtue," &c. From a careful examination of the whole series of the records of the Portuguese Cortes, held within a period embracing more than 550 years, it results, that the Representatives of the three great classes, into which the population was divided, submitted their rights, their grievances and their wants to the presiding Sovereign, who listened to them with the utmost deference and consideration, and after taking due and mature counsel thereon, decided according to the respective merits of the case, guarding, as much as possible, against the chance of one class of the people encroaching on the rights and enfranchisements of the other.

The expences occasioned by the meeting of the Nobles, Prelates and Representatives of the people, or rather of the particular cities and towns, entitled to send deputies to the Cortes, and similar to our boroughs, being oftentimes found more serious than the grievances which their meeting was intended to remedy, coupled with the encroachments of arbitrary power, rendered these assemblies less frequent, and eventually they were altogether discontinued, al-

though never annulled. Both the monarchs of Portugal and Spain, in modern times, seem to have been apprehensive that the spirit of freedom, breathed in popular assemblies, and the exhilarating recollections derived from so interesting a part of their national history, might awaken in the living generation a similar ardour, and lead to the subversion of a throne, too often resting on misrule and oppression. Nevertheless, the principle on which they acted, was unjust and tyrannical, and in free countries like our own, we should formerly have revered the monarch, whether of Portugal, or Spain, who had the courage, not to say justice, to convene the lawful Representatives of his nation, in cases of difficulty and emergency, more particularly to sanction his own right to the throne.

We are, therefore, compelled to conclude, that the Cortes of Lamego existed, and accordingly we have no other alternative left than to respect and revere the Public Instrument, recording their proceedings, imperfect as it may be considered by the sceptical, or those who have now an interest in subverting the enactments thence derived, and as containing the evidence of the Great and Primitive Charter of the Portuguese. This document is in Latin and Portuguese, and the first point settled by a specific law, is the Succession to the throne, declared lineal, in the following remarkable words.\*

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\* A curious polemic dispute arose between the Portuguese and Castilian Jurisconsults, respecting the authenticity of these Cortes, at the time of the elevation of John IV. to the throne, so warmly resented by the reigning monarch of Spain, on his losing the Sovereignty of Portugal. The champion of the latter was Nicolas Fernandez de Castro, when a host of Lusi-

*“ Viva o Senhor Rey D. Affonso e possua o Reyno; se tiver filhos varôens vivão e tenham o Reyno, de modo que não seja necessario torna-los a fazer Reys de novo. D'este modo succederão; por morte do pay, succederá o filho, depois o neto, então o filho do neto, e finalmente os filhos dos filhos, em todos os seculos para sempre. Se o primeiro filho del Rey morrer em vida de seu pay, o segundo será Rey, e este se falecer, o terceiro, e se o terceiro, o quarto, e os mais que se seguirem por este modo. Se el Rey falecer sem filhos, em caso que tenha irmão, possuirá o Reyno em sua vida, mas quando morrer, não será Rey seu filho, sem primeiro o fazerem os Bispos, os Procuradores, e os Nobres da Corte del Rey, e se o não elegerem, não reinará.”*

The last clause is particularly remarkable. “Should the king die without issue, in case he has a brother, the latter shall possess the kingdom, during his lifetime; but when he dies, his son shall not be King, unless he be previously made so by the Bishops, Delegates and Nobles of the King’s court; and if they do not elect him, he shall not reign.” It was next enacted that a daughter might succeed to the throne, on the sole condition “of her marrying a noble Portuguese; in order that the Kingdom may not pass into the hands of foreigners; and if she marry a foreign Prince, she shall not inherit, on that account, because we do not wish that our Kingdom should go out of the hands of Portuguese, who, by their valour,

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tanian writers stepped forward in defence of their primitive institutions and national honor, and triumphed over their adversaries. Vide *Hist. Jur. Civil. Lusitan.* by Pascoal José de Mello.



made us King, without the aid of others, evincing in this their courage, and shedding their blood.”\* The Laws relating to the Nobility, the administration of justice, adultery, and other crimes were next enacted.

“Lourenço Viegas then said—Do you wish that the King, our Lord, should go to the Cortes of the King of Leon, or pay tribute to him, or to any other person, except the Pope who confirmed him in the Kingdom? And they all rose, holding their naked swords in their hands, and standing up, they said, “We are free—our king is free; our own hands freed us; and the Lord who shall consent to any such thing, shall die, and if it should be the King, he shall not reign, but shall lose his sovereignty. And the King again rose up, and with the crown on his head and his naked sword in his hand, said to all; You know well how many battles I fought for your freedom; of this you were good witnesses, and so also are my arm and sword. If any one should consent to do so, he shall on that account die; and if it should be a son of mine, or a grandson, let him not reign. And they all said—Good pledge—let him die. The King, if he should act so as to consent to a foreign dominion, shall not reign,” &c.

Thus was the Charter, or Constitution, of Portugal originally founded, and notwithstanding the many

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\* *Sit ista lex in sempiternum, quod prima filia Regis accipiat maritum de Portugalle, ut non veniat Regnum ad estraneos, et si casaverit cum Principe estraneo, not sit Regina, quia numquam volumus nostrum Regnum ire for de Portugallensibus, qui nos sua fortitudine Reges fecerunt, sine adjutorio alieno, per suam fortitudinem et cum sanguine suo.”* Vide Brandão, Liv. X. Cap. 13.

rude attacks by which it was successively assailed, the principal parts of the structure still remain. The Statutes, transmitted to posterity by the Cortes of Lamego, as the most sacred of all inheritances, were never revoked—nor were those relating to the Succession ever violated. These Statutes afterwards formed the basis of a system of government in Portugal, which became an object of admiration to Europe, at a time when most of the other States had scarcely emerged from barbarism, and eventually laid the foundation of that power and splendour to which the Lusitanian monarchs gradually attained. The Portuguese, therefore, evidently partook of all those principles of civil freedom, which marked the annals of Aragon and Castile, and among them the power of the sovereign and the rights of the people were properly defined. From the very commencement of the monarchy, they had a representative system, and acted, as a great writer on the English Constitution says our ancestors did,\* “more consistently with reason, in not leaving the laws at the disposal of the person who is already invested with the public power of the State, that is, of the person who lies under the greatest and most important temptations to set himself above them.” In Portugal, as with us, the Crown was always a constituent part of the Legislature, together with the popular Delegates, the Nobles and the Clergy. The institution of the Cortes was, in fact, equivalent to our Parliament, although not so formally organized, and its attributes were somewhat similar, as will be seen from the following chronological and descriptive

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\* De Lolme, Chap. IV.

sketch of their meetings, from the time they commenced, until their suspension, by arbitrary power.

Cortes of Lamego,—1143,—Alonzo I. when the Fundamental Laws of the Monarchy were enacted, particularly those relating to the Succession to the Throne; the mode by which nobility is acquired and lost, and the administration of justice—in all, 13 Statutes.

Cortes of Coimbra,—1211, Alonzo II. when judges were appointed and regulations made for the administration of the revenue, &c.—in all, 51 enactments.

Cortes of Leiria,—March, 1254, Alonzo III. when several enactments were made for the improvement of the public affairs, as well as of navigation, and privileges were bestowed on Santarem and other places.

Cortes of Santarem,—1263, Alonzo III.—convened for the correction of public morals and the surrender of Church property, occasioned by a Bull of Gregory X. founded on a complaint of the Portuguese bishops.

Cortes of Guarda,—date uncertain, held during the Pontificate of Martin IV. and in the reign of Deniz I. when the king answered several complaints, instituted by the Prelates of the kingdom; as seen in the Bull of Nicholas IV. dated January 6, 1282.

Cortes of Lisbon,—1285, Deniz I. respecting Crown grants, the organization of Municipalities, &c.

Cortes of Lisbon,—1289,—Deniz I. when the king pledged to observe 40 articles transmitted from Rome, as appears from a Bull of Nicholas IV. dated March 17, 1289, and preserved in the public archives.

Cortes of Guimaraens,—August 1308, Deniz I. convened for the purpose of examining into the titles and tenure of property, unlawfully obtained by some of the Nobles.

**Cortes of Lisbon,—Oct. 1323, Deniz I.**—assembled in order to correct abuses in the administration of justice, &c.

**Cortes of Evora,—Alonzo IV., 1325,** convened for the purpose of making laws respecting church patronage, the dresses of Jews, Moors and Christians, &c.; and also to pay homage to the King, and examine into the state of the Mint.

**Cortes of Santarem,—May, 1331, Alonzo IV.** met to examine into the corn-laws, local privileges, &c. The enactments of these Cortes were numerous, and all the deeds, signed by the king, are still found at Santarem.

**Cortes of Santarem,—1334, Alonzo IV.** in which various laws were enacted and the proposed marriage of the Prince with the Infanta Constance, approved.

**Cortes of Coimbra,—July, 1335, Alonzo IV.** in which laws were passed relative to the opening and execution of Wills, &c.

**Cortes of Santarem,—July, 1340, Alonzo IV.** in which eight laws were passed and the complaints of the people against the clergy considered.

**Cortes of Lisbon,—1352, Alonzo IV.** various laws passed.

**Cortes of Elvas,—May, 1361, Peter I.** in which the clergy proposed 33 Articles, afterwards called a *Concordia* between the king and their own Body, and a number of special laws were enacted.

**Cortes of Coimbra,—date uncertain, Ferdinand I.** the records of these sittings are kept at Santarem.

**Cortes of Lisbon,—Sept. 1372, Ferdinand I.** in which 101 general enactments passed.

**Cortes of Oporto,—July, 1373, Ferdinand I. in which 19 general enactments were passed.**

**Cortes of Leiria,—1373, Ferdinand I.—25 general enactments.**

**Cortes of Attouquia,—1376, Ferdinand I.—in which was passed the memorable law, regulating the jurisdiction of the Lords of the Manor, and also another for the encouragement and protection of navigation and maritime commerce.**

**Cortes of Coimbra,—1385, John I. assembled for the purpose of deliberating on the Succession to the Throne, when after discussing the claims of the several Pretenders, they elected John I.; Joaõ das Regras, an eminent Jurisconsult of his day, and the principal Orator in these Cortes, discussing the right of the several Pretenders. Many new arrangements were also made for the government and defence of the kingdom, at that time attacked by the Castilians, and the people bound themselves to pay a large sum of money for the prosecution of the war. Twenty-four general enactments were also passed; together with some, specially relating to the Clergy of Oporto.**

**Cortes of Oporto,—1387, John I. when some new regulations were made respecting church benefices, &c.**

**Cortes of Coimbra,—1387, John I. when an Excise law was passed, to meet the necessities of the war.**

**Cortes of Braga,—1387, John I. when the people agreed to pay double Excise duties, for a year, in order to defray the war expences. Privileges were also granted to the inhabitants of Coimbra, and complaints instituted against the immorality of Ecclesiastical persons.**

**Cortes of Lisbon,—1389, John I. in which 24 general**

enactments passed, some of them directed against the Nobles, on account of grievances experienced by the People.

Cortes de Coimbra,—1390, John I. when several special enactments were passed.

Cortes of Evora,—1391, John I. in which the Infante Dom Alonzo was sworn, and the establishment of inns throughout the kingdom ordained. Privileges on behalf of the inhabitants of Coimbra were also confirmed, and several general enactments passed

Cortes of Lisbon,—1391, John I. when several general enactments passed.

Cortes of Coimbra,—1394-5, John I. when 36 general enactments passed into law.

Cortes of Coimbra,—Jan. 1398, John I. when 36 enactments were made relating to the clergy, &c.

Cortes of Oporto,—1398, John I. wherein several general and special enactments were made.

Cortes of Coimbra,—1400, John I. when six general laws were passed.

Cortes of Guimaraens,—1401, John I. when three general and many special laws were passed.

Cortes of Lisbon,—1404, John I. when a regulation was made for the payment of the Delegates attending the Cortes.

Cortes of Santarem,—1406, John I. wherein 10 general enactments were passed.

Cortes of Evora,—1408, John I. in which establishments were voted for the Infantes, as well as funds for the repairs of the fortresses of the Kingdom, to which objects one-third of the Excise revenue was appropriated. Some new laws were also passed, respecting the Nobility and general interests.

Cortes of Lisbon,—1410, John I. when 22 general enactments were passed.

Cortes of Lisbon,—1412, John I. when several special and general enactments were made.

Cortes of Lisbon,—John I. same year, when several special and general enactments were passed.

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| Cortes of Lisbon,—1414, John I.   | } enacted<br>} various<br>} laws. |
| Cortes of Estremoz,—1416, John I. |                                   |
| Cortes of Lisbon,—1417, John I.   |                                   |

Cortes of Santarem,—1418, John I. in which new taxes were levied and several general enactments passed.

Cortes of Lisbon,—1427, John I. when 27 general, and 34 special enactments passed into law.

Cortes of Santarem,—1430, John I. in which four special and two general laws were passed. It is not known in which of the Cortes, held during this reign, it was, that the People required the laws of the Realm to be collected into a National Code, which was afterwards done by Alonzo V.

Cortes of Leiria,—1434, John I. in which Prince Duarte, or Edward took the oaths. These Cortes were then prorogued and reopened in the following year at Santarem, when several general and special laws were passed.

Cortes of Evora,—1435, Edward I.

Cortes of Evora,—March, 1436, Edward I. opened by Dr. Ruy Fernandes, in which a subsidy for an expedition was demanded and various laws enacted.

Cortes of Leiria,—Jan. 1438, Edward I. opened by Dr. Joaõ Dosem, in which the question was discussed—whether the fortress of Ceuta ought to be delivered up to the Moors, as a ransom for Prince Ferdinand, and negatived.

**Cortes of Torres Novas,—1438, Alonzo V. the usual speech spoken by Dr. Vasco Fernandes de Lucena. This sitting lasted little more than a month, in which time a Regency was appointed to act during the minority of Alonzo V. and the Cortes, or rather a committee of them, consisting of two Prelates, five Nobles, and eight Delegates, were ordered to assemble annually.**

**Cortes of Lisbon,—1439, Alonso V. yet a child, was present at this session, in which it was resolved that the government should be placed in the hands of the Infante D. Pedro, the young king's uncle, with the title of Regent. The education of the child was also taken from his Mother and confided to D. Pedro.—Several laws were passed on this occasion.**

**Cortes of Torres Vedras,—1441, Alonzo V. in which the king's marriage with Isabel, the daughter of the Infante D. Pedro was approved of, for the expences of which ceremony the Delegates voted a sum of money. In these Cortes the several laws enacted were signed by the Regent.**

**Cortes of Evora,—Jan. 1442, Alonzo V. when proposals from Castile, on behalf of the Queen-Mother, were discussed and rejected, and she was deprived of all her rights in the kingdom. The Delegates agreed to several estimates for the expences of the approaching war, and the laws were signed by the Regent.**

**Cortes of Evora,—1444, Alonzo V. Dr. Alonzo Manga Ancha pronounced the opening speech, in which he made known that the Regent had delivered up the government to the king, whose marriage was afterwards ratified. On the Regent's administration being approved of, the Regency was again placed in his hands, and the laws passed signed by him.**



**Cortes of Santarem,—April, 1451, Alonzo V. in which 30 general laws were passed.**

**Cortes of Evora,—1460, Alonzo V. in which new regulations were made respecting imposts and for other public purposes.**

**Cortes of Guarda,—1465, Alonzo V. The king's sister, Queen Joan, was also present and her proposals were discussed, when it was resolved not to interfere in her claims, "owing," as the record says, "to the inconstancy of the King of Castile." Several laws were passed.**

**Cortes of Santarem,—1468, Alonzo V. when several laws were enacted.**

**Cortes of Lisbon,—1471, Alonzo V. in which the Delegates protested against the Princess Joan taking the veil.**

**Cortes of Evora,—1473, Alonzo V. in which a considerable number of laws were passed.**

**Cortes of Evora,—1475, Alonzo V. in which several general laws were passed.**

**Cortes of Arronches,—May, 1475, Alonzo V. when Prince John did homage and was allowed to govern the kingdom during his father's absence, for which permission was granted by the Cortes.**

**Cortes of Lisbon,—1476, Alonzo V. specially convened for the purpose of administering the oath to Prince Alonzo, the King's eldest son, who was about to depart for Castile.**

**Cortes of Monte Mór o Novo,—1477, Alonzo V. at which the Prince presided, and the laws therein passed are signed by him.**

**Cortes of Lisbon,—1478, Alonzo V. In the laws**

therein passed, the King is called Prince, doubtless in reference to his claims to the crown of Castile.

Cortes of Lisbon,—1478, Alonzo V. In the acts, the King is again styled Prince.

Cortes convened at Evora and closed at Viana,—1481—1482, John II. The Chancellor Vasco Fernandes de Lucena pronounced the opening speech, which was followed by a memorable consultation of Lawyers, and 172 general enactments passed.

Cortes of Santarem,—1483, John II. when a tax of 50 millions of white rials (*reaes braneos*) was imposed, for the payment of Alonzo Vth's debts.

Cortes of Evora,—1490, John II. in which the King gave notice of the Prince's marriage with an Infanta of Castile, for the expences of which the Delegates offered 100,000 cruzados.

Cortes of Monte Mór o Novo,—1495, Emanuel I. when the King received the usual homage on his accession to the throne, and several acts were passed relating to imposts, and to the plague, at that time prevailing.

Cortes, convened for Evora and removed to Lisbon, 1498—Emanuel I. The journey of the king and queen to Castile, there to ascend the throne, was discussed and agreed to. The acts signed bear this signature, "The King and Prince."

Cortes of Lisbon, 1499, Emanuel I. when the oath was administered to Prince Miguel, and the form of government regulated during the time the king held possession of the throne of Castile.

Cortes of Lisbon,—1499, Emanuel I. in which special Delegates were ordered to administer the oath

to the Prince. The Delegates offered 20 *Contos* for the repairs of the fortifications in Africa.

Cortes, convened for Thomar and held at Torres Novas—1525, John III. in which the Delegates offered 150,000 cruzados for the nuptials of the Empress.

Cortes of Evora,—1535, John III. when the Delegates offered the King 100,000 cruzados.

Cortes of Almeirin,—1544, John III. convened for the purpose of receiving the oath of Prince John, when the Delegates offered the King 50,000 cruzados.

Cortes of Lisbon, convened by Queen Catherine, as Regent, 1562—1563, Sebastian I. being present. The Queen's Letters Patent, surrendering the Regency, were read, and it was conferred on Cardinal Henry, till the King should attain his fourteenth year, whose espousals with a French Princess were also agreed upon, and the people voted 100,000 cruzados for the expences. The Session was dissolved by the Cardinal Regent.

Cortes of Lisbon,—1579, Henry I. The Estates held their sittings apart—the Prelates in the Cathedral Church, the Nobles in the Carmelite Convent, and the Delegates of the People in the Convent of St. Francis. The Succession to the throne was particularly discussed, in case of the King's dying without issue; when out of fifteen proposed to him, His Majesty appointed five Regents and eleven Jurisconsults, to decide the question of Succession.

Cortes of Almeirin,—1580, Henry I. in which they claimed the right to appoint a successor, in case of the King's death.

Cortes of Thomar,—1581, Philip I. convened to receive the oath of Prince James, and in the writs for

the election of the deputies, it was ordered that Prince Antonio's partizans should not assist. The opening speech was pronounced by the Bishop of Leiria, and the sittings held separate. The Delegates of the people passed 47 enactments; the Nobility 23, and the Clergy 18—all since printed.

Cortes of Lisbon,—January, 1583, Philip I. in which the oath was taken to Prince Philip, and the opening speech pronounced by the Bishop of Algarves.

Cortes of Lisbon,—1616, Philip II. in which the oaths were taken to him, on the 14th July, and complaints preferred against the excessive dowries given in the marriages of the Nobles. Twenty-six general, and twenty-one special enactments are recorded of these Cortes.

Cortes of Lisbon,—1641, John IV. in which two speeches were pronounced by the Bishop of Elvas, and the oaths taken to John IV. and Prince Theodosius. The Estates continued to hold their sittings separate—the Clergy at St. Dominics, the Nobility at Santo Eloy, and the Delegates of the People in the Convent of St. Francis. John IV. therein declared that all the imposts hitherto paid should be abolished, and entrusted to the Estates of the Realm, the duty of defending and providing for the same. A vote was passed to raise 20,000 infantry, and 4000 cavalry, for the garrisons of the frontiers, and the necessary appropriations were made. For the administration of the extraordinary revenue, so voted and ordered to be raised, a Committee of the Three Estates was appointed. These Cortes enacted 108 general laws, 36 of which originated with the Nobility, 27 with the Clergy, and the remainder with the Delegates of the People.

**Cortes of Lisbon,—1642, John IV.** convened for the 15th of September, and the sittings were separate as in the last. Proceedings were instituted against certain ministers of the King, and particularly against the Secretary, Francisco de Lucena. A sum of money was also voted for the exigencies of the war, and the King offered part of it out of his private patrimony.

**Cortes of Lisbon,—1645—1646, John IV.** in which the Three Estates held their sittings separate, and voted 16,000 infantry and 4000 cavalry to garrison the fortresses, as also the necessary funds for carrying the measure into effect. By the Estate of the People, it was voted that the militia should not be sent to the frontiers, unless in cases of emergency. Several financial measures were enacted, and divers laws, general and special, passed.

**Cortes, convened for Thomar and afterwards removed to Lisbon,—1653—1654, John IV.** in which the oaths were taken to Prince Alonzo. The Clergy held their sittings in the Convent of St. Dominic; the Nobility in that of St. Roche, and the Delegates of the People at St. Francis. In these Cortes, 48 general enactments originated with the Delegates of the People.

**Cortes of Lisbon,—1668, Alonzo VI.** convened by Letters Patent of the Infante D. Pedro, in order therein to receive the oaths of the next Successor and Regent of the Kingdom, through the King's abdication. The Estates held their sittings separate, in the same places as the preceding ones, the Clergy having 30, and the Nobility also 30 sittings. The marriage of the King was discussed; peace with Castile proposed, and 400,000 cruzados voted for the expenses of the war.

**Cortes of Lisbon,—1674, Alonzo VI. in which the sittings were held separate, and the King required to desist from his protection of the New Christians.\* In these Cortes also was established the law for the government of the Kingdom and the guardianship of the Sovereigns, during their minority, or disability.**

**Cortes of Lisbon,—1677, Alonzo VI. through whose remonstrances two memorable Pragmatics were issued.**

**Cortes of Lisbon,—1679—1680, Alonzo VI. convened in order to treat of the marriage of the Princess with the Duke of Savoy, and a resolution was passed exempting her from the operation of the Statutes of Lamego, by which she was deprived of her right of Succession, on account of marrying a foreigner.**

**Cortes of Lisbon,—1697—1698, Peter II. convened for the purpose of administering the oath to Prince John. In these Cortes one of the Statutes of Lamego was abrogated, in order to enable the King's brother to succeed to the throne, without a new election.**

**This was the last assembly of the Cortes in Portugal, and consequently, they have now ceased to be convened, on the ancient plan, for about 130 years.**

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\* The descendants of converted Moors, Jews, and Infidels, who, by the Cortes of Lamego, were deprived of the right of receiving the titles, or distinctions of nobility. That venerable Congress established, "that those only should be nobles who had fought for the King, his son, and the royal standard. The grandees, in Spain, were those who were employed near the King's person, and, in Portugal, it was nearly the same. The ancient distinction is, "*vocabantur Rici homines de pendaõ e caldegra.*" Vide Morales, Hist. Lib. xiii. The Moors, Jews, and Infidels were considered as people of another origin, religion and language, and consequently not entitled to honors, held as the reward of past services.

Prince John, who took the oaths in the last Cortes, afterwards ascended the throne by the title of John V. and was Great Grandfather to the late John VI. He was the first of the Braganza Family who ceased to convene the Cortes, and consequently to him the Portuguese owe the suspension, not the overthrow, of their liberties. He thus disavowed, or rather disregarded, the very principles which had placed his own ancestors on the throne.

There are, in short, ample records extant to prove that, from the year 1143 to 1698, that is, during a period of 555 years, the Cortes of Portugal assembled 123 times, for various important purposes, and the bills which they framed and submitted to the King, after receiving his assent, acquired all the force and power of laws. It is also a very remarkable feature, in Portuguese history, that the virtues and talents of the several monarchs who reigned, during the period above mentioned, may almost be collected from the number of times the Cortes met whilst they sat upon the throne. In the reign of Deniz I. they met five times ; in that of Alonzo IV. six ; under Ferdinand I. five ; under John I. twenty-six ; and whilst Alonzo V. sat upon the throne, eighteen times, and on some few occasions, twice in one year.

The Assembly of the Cortes, therefore, is an ancient institution, and although not founded on any express and written law, nevertheless, forms the basis of the Portuguese Constitution, and to that venerable Body, as to the Parliament of Great Britain, virtually belongs the Legislative power, that is, the power of enacting and abrogating laws, particularly as regards great State questions, or such new cases as affect the

Fundamental Statutes of the Realm. The bills, or enactments, which were proposed by them and sanctioned by the King, passed into law and had all the effect of the *Populiscita* among the Romans. Their duties were evidently manifold. The right of taxation, properly so called, rested with the Cortes, as seen by the preceding sketch of their sittings. They stated the remedies, requisite for their wants and the removal of grievances, and offered, in a variety of ways, their counsel to the Sovereign, who always listened to them with deference. No early law imposes on the Sovereign the obligation of convening them, or stipulates at what particular periods they were to assemble; but, during the minority of Alonzo V. they were ordered to assemble every year,\* and in the reign of John III. it was determined that they should be convened every three years.† They were always convened by writ, or summons, signed by the King, or Regent, addressed to the Municipalities, charged with the election of the Delegates. The writ expressed the number to be returned; the nature of the powers they were to receive, as also the special motive of their meeting, and the time and place at which they were to assemble. In the archives of the various Municipalities, throughout the kingdom, numbers of these original writs, of the earliest dates, are still preserved. The places having a vote in Cortes, by special privilege, (*Foral*) were originally twenty-one cities and seventy-one towns; but the number increased as this boasted privilege was extended, and the monarchs had services to reward.

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\* Cortes of Torres Novas, (1438.)

† Cortes of 1525 and 1535.



The "general Cortes" were always attended by a greater number of Delegates (*Procuradores*) than the ordinary ones, such as were not convened for any very important purpose. Those, for example, which were ordered to meet annually during the minority of Alonzo V. consisted of fewer Delegates. Sometimes, the Municipalities sent one, two, and as many as four Delegates, according to the size of the city, or district, which they were intended to represent, or the importance of the subject on which they were called to deliberate,\* and their expences were paid by their constituents. The Bills, or projects of law proposed, were of two kinds. The *general*, related to the interests and welfare of the whole kingdom, whilst the *special* were submitted by the Delegates, in the name and on behalf of particular Municipalities, and intended for a local purpose. The former had the full force and effect of law, and were registered as such, in the public archives; whereas the latter bore the appearance of special grants, or privileges, transmitted to the authorities of the districts in which they were intended to have force.

From the first Cortes of Lamego down to the reign of Peter II. and consequently during a period of more than 550 years, the Portuguese nation thus enjoyed the unquestionable right of being represented in Cortes, when the Delegates submitted the grievances and wants of their constituents, and, in concert with their sovereign, enacted such laws as the state of the country required. These laws were not passed under the same forms as ours—that is, by going through the

\* Vide Memoir printed by the Royal Academy of Sciences of Lisbon on this subject.

ordeal of two Houses and then receiving the Royal sanction ; but they were equally valid, from the moment the reigning sovereign gave his assent to them. They generally originated in a Memorial, signed by the Cortes, and the King's answer affixed thereto, constituted the law, it being registered as such and deposited among the public archives. The first and Fundamental Law of the Monarchy, in fact, prescribed that there should be a great National Council, presided over by the King, called in the Peninsula, Cortes ; but generally in Portugal, the Three Estates of the Realm, and sometimes Council, in order to aid and invigorate the operations of the Executive. As above noticed, at one time it was determined that the meeting should be triennial, and during the reign of Alonzo V. it was enacted that the Representatives should assemble every year, which proves the careful manner in which the Portuguese, in those days, watched over their rights and guarded against the encroachments of the crown.

The Nobles and Clergy were also summoned by writs, and with them originated general, as well as special projects of law. The projects, when agreed upon, were laid before the King, and, after consulting his ministers and legal advisers, he gave, or withheld his sanction, and when once passed, no Letters Patent could afterwards deprive them of their legal force. The Nobles represented their immediate vassals, and the Prelates their several dependents, as well as the great body of the church. From the time of Edward, these public instruments, when forwarded to the provinces for execution, were signed by the Chancellor of the Realm ; but the form of wording them was ex-

tremely various. Sometimes measures, originating with the Prince, or his Ministers, were equally submitted and recommended to the Cortes, and on receiving their approbation, with the usual formalities passed into law. The opening speech was always pronounced by the Chancellor, or some other of the King's legal advisers, or a prelate, and the objects to which the Assembly were to give their particular attention, were therein specified. Sometimes, the enactments which had their origin with the Clergy, were recorded distinct from those introduced by the Nobles, or recommended by the Municipalities through the medium of their Delegates; and at others, in one general register. In some of the records, mention is made of a fourth Estate of the Realm, viz. the *Letrados*, or Lawyers, as seen in the Memorial, or Address of the Lisbon Delegates to John I. dated April 10, 1385, above referred to. The Statutes framed and passed were divided into classes, such as *Revenue, Justice, Customs, Army, &c.* and subsequently embodied in the "*Ordenações do Reino*. Several of the most eminent Portuguese writers\* affirm, that the King was usually present at the opening, in state, attended by his courtiers, and when the answer was given to the speech, it was either done by an orator chosen by the Three Estates, or by separate ones on behalf of each. As seen from the preceding Review of the Sittings of the Cortes, the members originally held their meetings together, in one place; but, towards the year 1525, the Three

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\* Barboza, Mem. do Sr. D. Sebastião—Provas da Hist. Gen.—Faria, Europa, &c.

Estates assembled separately, and the same practice was long afterwards retained and renewed at the late meeting in Lisbon, in the month of July, when Dom Miguel was declared to be the lawful successor to the throne.

Besides the business which they were called upon to transact, as a Legislative body, the Cortes, either in separate branches, or collectively, sometimes conveyed strong admonitions to the King, on various subjects, and at others, did not hesitate to express their displeasure, at such part of his conduct as they considered reprehensible. The Delegates for the City of Lisbon, in the Cortes of Coimbra, addressed to the reigning Sovereign a Memorial, dated April, 1385, in which they tell him, "that bad counsellors brought ruin on the country;" adding "that he ought not to trust, nor have in his service, suspicious or dubious persons;" then pointing out to him the individuals best suited to have near his person. They further tell him that, "as regards matters which concern the whole people, they ought to be done with the counsel and accord of all; and that they had unhappily been deprived of this good custom by King Ferdinand, who did, at his own pleasure, what belonged to the State, from which many misfortunes followed, as was a notorious fact; they therefore prayed him not to make war, nor peace, nor to marry, without the counsel and consent of his people."

It was in the 15th Cortes of Portugal, that the Representatives gave so memorable an example of the courageous manner in which they addressed their kings, as preserved in the Chronicle of the Portuguese Jurisconsult, Duarte Nunes de Leão. "The King,"

says he, "went from Lisbon to Cintra to hunt, where he was nearly a month, at a time when matters of great importance were treated in the Council, respecting the government of the Kingdom. Struck with such levity, one of the members, in the name of the rest, spoke to him thus, on his reappearance in the Council :—' Sir, you ought to amend the life you lead and remember, that you were given to us as a King, in order to govern over us ; and for this reason we give you our tributes, and maintain you in the honor in which you are, and you follow the chase as an occupation, and the government of your kingdom as a pastime ; whereas it is certain, that God will not demand of you the number of boars and stags you have killed, but rather of the complaints which you have not heard, and the duties you have not performed, as you now have done ; for when we are treating of matters of the greatest importance, you have absented yourself from the Council, in which you were so necessary, and gone to the chase, leaving us here idle, for so many days, waiting for you. Reform, or, if not, we will seek another king, who may govern us with justice, and not abandon the government of his subjects for the pursuit after wild beasts.'" Portuguese history is filled with passages of a similar kind, highly illustrative of the high consideration, in which the counsels and admonitions of the national Representatives were held by the reigning Sovereign.

The author of the *Monarquia Lusitana*, (Part VIII.) introduces a copy of the Deed of the memorable Act of the Cortes, assembled at Coimbra, and, according to the original, preserved in Latin at the Torre do Tombo, dated the 6th of April, 1423, in it is

found the following remarkable declaration. "The Body of the Portuguese nation, assembled in these General Cortes of the Kingdom, holding the Royal Throne to be vacated, and the Sovereignty of the Crown devolved to them, of their own spontaneous and free will, exercising their national authority, have hereby elected, named and proclaimed, as their King and Lord, in order to possess the Kingdom for himself and his descendants, the august and ever triumphant Prince, at present, Master and solemnly professed of the Cistercian Order of Aviz, Senher Dom Joaõ, first of the name among those of Portugal, illegitimate son of King Peter I." &c. The Prince strenuously objected to the appointment, on the plea of his "defective birth and the circumstance of his having taken holy orders, which disabled him from marrying;" but he was unable to resist the urgent remonstrances and prayers of the electors, and eventually accepted the crown.

From the whole tenure of these proceedings, it appears, that the attention of the Cortes was first directed to an enquiry into the state of the Succession to the Throne, when they came to the following resolution; "We, seeing that the aforesaid Kingdoms, as well as the government and defence thereof, after the death of King Ferdinand, the last in possession, have become vacated and bereft, without a King, or Governor, or any other legitimate Defender who can and ought to possess them, in the right of inheritance."\* [Here follows a long statement of the claims of the

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\* "Sem Rey, Regedor e Defensor nenhum, que os possesse e devesse de direito heredar."

other Pretenders.] “Wherefore, we all, agreeing in our love, deliberation, will, counsel and act, in the name of the Holy and Undivided Trinity, &c., Do hereby name, elect, take, raise and receive, in the best and most valid manner, provided by law, the aforesaid D. Joaõ, Master of Aviz, as our King and Lord, as well as of the aforesaid Kingdoms of Portugal and Algarves, and we grant unto him that he should call himself King; and that he do and may be able to do, and command, for the government and our defence, as well as that of the aforesaid Kingdoms, all those things, and each one of them, touching the office of King, such as have been done, performed, commanded and usually executed in the said office, by the Kings of the aforesaid Kingdoms, who have hitherto been such,” &c.\*

This memorable declaration, which, if it have a parallel in our own history, can only be found in the proceedings which led to the accession of William, perfectly disavows the divine institution and right of Kings, and establishes the Sovereignty of the people, the essential basis of that very power, vested by the Portuguese in a member of the Braganza family. And where is it that monarchs would wish to find a title more reasonable, just, and indisputable? Helvetius tells us that “no society can, at the time of its establishment, put into the hands of a man the power of disposing of the property, the lives, and the liberty of the citizens, at pleasure. All arbitrary power is an usurpation, against which a people may, at any time,

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† Vide *Memorias de D. Joaõ*, I. in which also the *Assento*, or Resolutions of these Cortes, are found.

revolt. The laws, which are sacred, are such as are conformable to the public interest; every Ordinance contrary to it, is not a law, but a legal abuse."\*

Every eminent writer we have on public law, avows the principle that power is originally inherent in, and consequently derived from the people. Hence, all administrators, appointed by them, and the King is the highest, are accountable to them for their acts. Lord Lansdowne establishes, "that the principles, declared at the revolution and insisted upon by Judge Foster, and every good writer since his time, make the crown not to be an inheritance, like a farm, or a laystall, but a trust for millions and ages, yet unborn; and they contend that, on this account, the hereditary succession cannot be considered as a right. In fact, the people have rights; but Kings and Princes have none. The people stand in need of neither charters nor precedents to prove theirs, or professional men to interpret either. They are born with every man in every country, and exist in all countries alike, the despotic, as well as the free, though they may not be equally recoverable in all. Kings have at times different interests, and great calamities have followed their differences; but the people can have but one interest throughout the world."†

Burke also upheld that "the King is the Representative of the People; as are the Lords, Judges, &c. They are all trustees for the people, as well as the Commons, because no power is given for the sole

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\* De l'Homme, Sect. ix.

† Par. Register, Vol. xxvi. page 61 and 62.



sake of the holder, and although government is an institution of Divine Authority, yet its forms, and the officers who administer them, all originate with the people."\* Swift equally advocated the same maxims. "In such countries," says he, "as pretend to freedom, Princes are subject to those laws which their people have chosen; they are bound to protect their subjects in liberty, property and religion; to receive their petitions and redress their grievances, so that the Prince is, in the opinion of wise men, only the greatest servant of the nation; not only a servant to the public in general, but, in some sort, to every man in it."†

No one has acknowledged more explicitly, and proclaimed with greater ardour these very principles, in the New World, than Dom Pedro himself, notwithstanding he and his partizans now seek to obliterate them in that portion of the Old, where their triumphant practice placed the crown on the head of his own ancestors. "The time is past, Brazilians!" says he, in his Manifesto of August 1, 1822, "of deceiving men. The governments which still seek to found their power on the pretended ignorance of the People, or on ancient errors and abuses, will have to behold the Colossus of their grandeur fall from the fragile base on which they had just before erected it." These principles he afterwards reduced to actual practice. The Brazilian Constitution (Title iii. Art. 12) enacts as follows: "All these powers, in the Empire of Brazil, are delegated from the people."

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\* Thoughts on the Discontents, page 66.

† Sermon on Mutual Subjection.

Speaking of the "Moderating Power," or that of the Emperor, (Title v. Cap. 1. Art. 98) the Brazilian Constitution further proclaims; "The Moderating Power is the key of the whole political organization, and is exclusively delegated to the Emperor, as Supreme Chief of the Nation and its First Representative, in order that he may incessantly watch over the independence, equilibrium and harmony of the other Political Powers."

What! and are all these rights, principles and theories now to be confined to Brazil, and totally taken away from Portugal, where they were originally taught and practiced, at a time when Brazil was not even known to Europe! The idea would be preposterous! The principles on which the Braganza Family were raised to the Throne of Portugal, have already been touched upon; and let it not be forgotten, that Peter II. the very sovereign who discontinued the convocation of the Cortes, was himself a descendant of that family, and had been acknowledged in them, at a full meeting, as the heir and successor to the throne. And on what condition did the primitive ancestor of this same monarch accept the crown, bestowed upon him by the people? What were the pledges he then gave, in his own name, and that of his successors? The oath which John IV. took, in the presence of the assembled Representatives of the Nation, attended by all the pomp and pageantry of a brilliant court, as well as under all the solemnities which religion could exhibit, was the following, and it served as a model for all those administered and subscribed to by his successors, down to the late monarch, John VI.; and until the new instance of

Dom Pedro, no one of them, however sacred his title, ever attempted to control the destinies of Portugal, until he had complied with this essential formality, prescribed by the laws of every civilized nation on earth.

“We swear and promise, with the grace of Our Lord, to rule and govern you well, and to administer to you due and entire justice, as far as human nature allows; and to keep for you your good customs, privileges, enfranchisements, grants, liberties and exemptions, which, by the past Kings, our predecessors, were given, granted and confirmed.”

And has this oath and the pledges it contains, been kept and observed by the last sovereigns who sat on the throne of Portugal? Alas! no.

The successive monarchs who governed Portugal, from the reign of Peter II. as before noticed, the last by whom the Cortes were assembled, up to the present time, and enacted laws and levied taxes without the advice and concurrence of their people, can, therefore, be considered in no other light than as mere usurpers,—men who have trampled the national Constitution under their feet, and violated the most venerable usages of their country; but there was not one of the intervening monarchs, up to the death of John VI. not even the most arbitrary and despotic of them, who would have failed to assemble the Cortes, if he had been placed in the predicament in which the last monarch of Portugal found himself, (and the fault did not rest with John VI.) by the Independence and Separation of Brazil; or, in the novel and difficult case that has since occurred, regarding the Succession to the Throne. The original violator of

the ancient laws, such as they were held and practised for 555 years, was unfortunately the reigning monarch, upheld by the privileged classes surrounding him, in such a manner, that the people found themselves deprived of all redress, having no other alternative left than force. This fatal example was followed by his successors; but, so gross a deviation does not prove either the legality, or the morality, of the sovereigns who thus acted in defiance of the Charter and the lessons and precepts of their venerable predecessors. One of the reasons why the Cortes deposed Alonzo VI. and conferred the Regency on his brother Peter, was, because he had broken his oath, by not convening the Cortes, at a time when their meeting was prayed for by the Municipality of Lisbon and the Counsellors of State. And what law has since deprived the Portuguese of the same right and power, if they wish to exercise it, as long as the Cortes are legally assembled, and do not deviate from the Statutes, precedents and usages of the land? Is there no term to the usurpations of the Portuguese monarchs?

The history of Portugal contains five most memorable instances in which the sovereignty of the people has been acknowledged, in the most unequivocal manner. The first was in the time of Alonzo I. in 1143; the second, when the Cortes bestowed the crown on John I. and his successors, in 1385; the third, in 1439, when they took the Regency and the education of the young Prince from the Queen-Mother, who had been declared Regent and Guardian, by her husband's will, during the minority of Alonzo V. and confided them to the Infante Dom Pedro; the

fourth, in 1641, when they voted the crown to the Duke of Braganza and his successors, under the title of John IV. ; and the fifth, in 1668, when they vested the crown in the Infante Dom Pedro, and sanctioned the deposition of Alonzo VI.

Both the Portuguese and Spaniards have, doubtless, ample reason to complain of the arbitrary manner, in which the exercise of their rights and liberties was suspended by their respective monarchs, and by their Delegates not being convened for the constitutional dispatch of public business. Hence was it, that the Cortes of Cadiz very properly enacted, "that the King shall not, under any pretext whatsoever, prevent the meeting of the Cortes, at the periods and in the cases designated by the Constitution ; nor suspend ; nor dissolve ; nor in any way embarrass, their sittings and deliberations."

In addition, however, to the undue exercise of power, on the part of the reigning monarchs, several other causes contributed to suspend the meeting of the national Representatives in Portugal. The Nobles had attained a baneful and dangerous influence, and sought to render themselves independent of the crown. They began to lose this extraordinary ascendancy during the lifetime of John II. of whom the Portuguese Homer speaks in such handsome and feeling terms. The nation was horror-struck at the idea of a member of the Braganza Family being publicly executed on a scaffold, and this event, in which the Nobles had so principal a share, deprived them of many of their immunities, weakened the *prestige* that made them tower above the people, and eventually brought them more on a level with the other classes

of the community. Other causes also contributed to diminish the power of the Nobles and Clergy. The foreign conquests and settlements undertaken, as well as the pursuits of commerce, turned the attention of the people and government to other objects, and the sovereigns became more independent by acquiring new sources of revenue. The structure of the Constitution nevertheless existed, unimpaired, notwithstanding the threshold of the door, in the interval, was untrodden.

The first remarkable instance in which it became necessary to alter, or dispense, with the Statute of Lamego, respecting the exclusion of foreigners, was, in 1245, when the Cortes, on the death of Sancho II. called to the throne his brother, Alonzo III. who had previously espoused Matilda, sovereign Countess of the States of Bolougne, which rendered the meeting and sanction of the Estates indispensable; "since," as the act sets forth, "he (Alonzo III.) had lost the character of a Portuguese, owing to his having taken up his residence in a foreign country." (*Pois estava desligado do Character Portuguez, por ter feito residencia em pais estranho.*) By the Cortes of Coimbra, in 1385, the two sons of Peter I. Deniz and John, were, on the other hand, excluded from the succession, in consequence, as the act expresses, "of their having gone to Castile and taken up arms against Portugal." (*O terem ido para Castella e tomado armas contra Portugal.*)

The union of the crowns of Portugal and Spain was always a subject of terror to the Portuguese, and, during a long period of their history, their constant endeavours were directed to prevent it. Emanuel

married Isabel, heiress to the crowns of Castile, Leon and Aragon, and when called upon to visit his new dominions and ascend the throne, as well as to witness the oath of allegiance, to be taken to his son, Miguel, at home, it became necessary to assemble the Cortes, in 1499, when it was with the greatest difficulty that these two objects were attained. The Cortes previously compelled him to give in a formal declaration, stating the manner in which the kingdom was to be governed, &c. which he did by a solemn instrument, dated March 27, in the same year. Even the Municipality of the capital required of him a further attestation, which he gave, under his hand, dated the 16th of January, 1499, declaring that if, through any unforeseen contingency, the crowns of Portugal and Castile should hereafter be united, "no foreigner should be allowed to be a viceroy, or governor of the kingdom, nor appointed to exercise any act of jurisdiction—any trust, in the department of either Justice or Finance;" the king adding, "that, in no manner, and on no account whatsoever, should the Cortes be assembled, or any matter relating to the government of the kingdom, treated of, out of the same," &c. This declaration was ordered to have the full effect of law, "the same as if enacted in the Cortes," and was, afterwards, formally ratified and confirmed both by Dom Sebastiaõ and Philip III. and the original still exists in the archives of the Lisbon Municipality.\* How then can it be thought that the Portuguese, with this example before them, and with all their national pride and prejudices alive, should ever place them-

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\* *Provas da Hist. G. &c.*

selves in the predicament of being obliged to receive a Brazilian Viceroy, a Governor, Judge, or even a Custom-house Collector among them? The idea in itself is preposterous.

The law, however, of all others more immediately applicable to the case in question, is the one enacted in the Cortes, by John IV. on the 28th of January, 1641, which was confirmed and incorporated with the *Ordenações do Reino*, by Letters Patent, dated Sept. 12, 1642. This law originated with the Estate of the Nobility, and was intended to arrange certain points relative to the Succession, for which due provision had not been made by the Statutes of Lamego, and the memorable accession of John IV. the head of the Braganza Family, was deemed a proper opportunity to introduce these amendments. With this view, the Nobles presented their Memorial, in which they addressed His Majesty as follows; “ Good government teaches, and experience shows, that the union of several kingdoms and dominions in the person of one King, prevents them from being so well governed as they would be, separately, each under its own sovereign; and also that the latter ought to be born and educated in the country, in order that he may know his subjects and love them as fellow-countrymen. For this reason, at the commencement of the kingdom, in the Cortes, held at Lamego, in 1143, Dom Alonzo Henriques, among other things by him enacted and passed into law, ordained that the kingdom should never go over to a foreign king, and that in default of a son, or male heir, the daughter should be married within the kingdom,” &c. “ Wherefore, the Estate of the Nobility beseech and pray Your



Majesty to be pleased to enact a law, ordaining that the succession shall not fail, or belong to a foreign Prince, or his children, notwithstanding he, or they, may be the nearest relatives of the king last in possession, and that in case he should be called to the succession of another crown, or a larger empire, he shall be obliged to reside in this kingdom; and if he shall have two or more male children, that the eldest shall succeed to the foreign kingdom, and the second to this of Portugal, and that the latter shall be sworn to as the Sovereign and legitimate Successor," &c. (*E tendo dous, ou mais filhos varões, o maior succeda no Reino estranho, e o segundo neste de Portugal, e este seja jurado por Principe e Legitimo Successor.*")

To this petition the king answered, "that, judging the object of their prayer expedient for his service, conducive to the welfare of the kingdom and their tranquility, he would make laws in the form already ordained by John III." &c. The Nobles then prayed "His Majesty to be pleased to cause this law, relating to the Succession to the throne, to be incorporated in the volume of the Royal Ordinances;" which the king formally pledged himself to do; adding that, "as regards the succession of these kingdoms, it seems to me to require a law by which I declare that the succession of the kingdom shall never pass, at any time whatsoever, to a foreign Prince; nor to his children, although they may be the nearest relatives of the King, last in possession; on the contrary, that the succession shall always belong to a prince, a native of the kingdom," &c.

In these same Cortes, the Estate of the People, "anxious to promote the general welfare of the

kingdom," as they themselves declare, prayed "that decisions might be taken on the Succession to the throne, by renewing and ratifying the Statutes of Lamego, &c. and that it might be therein ordained, that no foreign King, or Prince, shall ever inherit the same, so that the King of this kingdom of Portugal should be a natural-born and legitimate Portuguese, and with the obligation of personally dwelling and residing there," &c. The King again pledged himself that he would see this law carried into effect. The Clergy presented a similar petition, and to it the King gave a corresponding answer, when under date of the 12th of September, 1642, as previously noticed, this law was regularly passed, and together with the Statutes of Lamego has ever since regulated the succession to the throne.\*

In consequence of further petitions from the Cortes, another law was subsequently passed, so curious in its form, and at the same time so important and explicit in its provisions, that a translation of the entire document, preserved in the public archives, cannot fail to be acceptable. It runs thus—

"I, the King, Do make known to all persons who may see these my Letters Patent, that in the Cortes which I held in this City of Lisbon, on the 28th day of the month of January, 1641, it was proposed to me by the Ecclesiastical Estate, in Chapter 1, and by the Nobility, in Chapter 35, that it would be expedient for the general and particular welfare of these Kingdoms, that the Kings, who may have to succeed

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\* "La Constitution de Lamego," says Malte Brun (Tit. ix) "qui a rapport à la Succession, est une loi que l'on ajoute au Manifeste des Etats de 1641."

thereto, should make oath, before they are raised to the throne, to keep all the Privileges, Enfranchisements, Charters, Grants and Customs which the Kings, my predecessors, granted unto them and swore to keep; they at the same time requesting me to be pleased to ordain, that all the Kings who henceforwards may have to succeed thereto, should personally take the same oath, before they were proclaimed; further that, if it so happened, at the time of their succeeding thereto, that they were out of this city of Lisbon, that they should take the said oath at the place where they were about to be first proclaimed. To all which I was pleased to reply, on the 12th of April, 1642, that what was required of me was already introduced into the usage of the Kingdom, and as such, had by me been kept and sworn, in my own name and that of Prince Theodosius, my much beloved and esteemed son, when in those same Cortes the oath of allegiance was solemnly taken to me, as King thereof, and that I thus consequently deemed it proper that the Kings my Successors should do the same. WHEREFORE, I ordain, command, and establish that the same shall be fulfilled and observed, as by these Letters Patent is set forth, and the Kings my Descendants and Successors by so doing (as I hope and trust they will) shall be blessed with the Benediction of God, our Lord, Father, Son and Holy Ghost, and of the Glorious Virgin Mary, our Lady, and the Holy Apostles, Saint Peter and Saint Paul, as well as of all the Celestial Court, and mine. And they, or any of them doing, the contrary, (which I neither anticipate, nor expect) shall be cursed with the maledictions of Our Lord and our Lady, of the

Apostles, the Celestial Court, and mine, and thus they can never thrive, prosper, nor go onwards. And in order that this my Resolution may be made known to all my Kingdoms and Lordships, and to the end that my subjects thereof may require of the Kings, my Successors, the Oath, confirmatory of their said Grants and Privileges, before they enter on the Succession, I have ordered these my Letters Patent to be passed, which I wish to be as valid as a Law, made in Cortes, and every thing therein contained exactly fulfilled; and the same shall be deposited in the Torre do Tombo, and be as valid as a Rescript passed in my name, and sealed with my seal, thereunto affixed; since the effect thereof is to last more than one year, notwithstanding the Ordinance of Book II. Title 40, which ordains that things, the effect of which is to last more than one year, shall be passed by Rescripts, and when passed in Letters Patent, that they shall not be valid. And the same shall be registered, in my Palace Court, in the Chancery, and in the Justiciary of Oporto—Gaspar d'Abreu de Freitas drew up the same, in Lisbon, this 9th of September, 1647.

Signed, I THE KING."

Even the haughty and aspiring Philip, after wading through blood to the throne of Portugal, and when he almost stood in the character of a conqueror, ready to dictate laws to a fallen and enslaved people, previously to his accession, went to the Cortes, held at Lisbon, in 1583, and there solemnly gave his pledge and made oath, on his own behalf and that of his successors, "That he would keep all the rights, customs, privileges and enfranchisements of the Kingdoms of Portugal and Algarves; that the Cortes

should only assemble within the territory thereof, and no public matter, relating thereto, be treated of elsewhere; that their Catholic Majesties would not confer the office of Viceroy, or public trusts on any other than a Portuguese; that the coin of the realm should retain the national arms; that no church dignity, or benefice, should be given to any other than a Portuguese; that no imposts should be assessed on church lands and property; that no cities, royal rights, or any thing else, should be bestowed on any other than a Portuguese; nor any already granted and previously bestowed, withdrawn, or annulled; that the military orders should not be changed; that their Majesties should have a special council for the administration of Portuguese affairs, and that they should, as much as was in their power, reside in Portugal," &c.

It is evident, from the Statutes and precedents above quoted, that no foreigner, however nearly allied to the last Sovereign, can legally ascend the throne of Portugal, unless called to it by the voice of the people, duly represented, and in case the father, at the time of his death, leaves two kingdoms, that the eldest takes the larger and the youngest the smaller one. It is further established that no monarch, claiming the throne either by right of succession, or by virtue of election, can lawfully seat himself thereon and exercise the functions of sovereignty, until he has taken the oath prescribed by law, according to the precept and example of his ancestors. These three essential points being clearly put, it is now necessary to ascertain what constitutes a foreigner in the eye of the Portuguese laws.

The *Ordenaçõens do Reino*, Liv. II: Tit. 56: § 3, established; “*Se alguns naturaes se sahrem do reyno e senhorios delle, por sua vontade, e se forem morar a outra provincia ou qualquier parte, sós, ou com suas familias, os filhos que lhes nascerem fora do reyno e senhorios delle, nõo serdo havidos por naturaes; pois o pai se ausentou por sua vontade do reyno en que nasceo, e os seus filhos nõo nascerdo nelle.*” (If any natural-born subjects should leave the kingdom and dependencies thereof, of their own free will, and go and dwell in another province, or part, alone, or with their families, the children who may be born to them out of the kingdom and dependencies thereof, shall not be held as natural-born subjects, because the father absented himself, of his own free will, from the kingdom in which he was born, and his children were not therein born.)

The *Code Civil* of the French, enacts that “it is impossible to have two countries, so that the man, who is naturalized in a foreign or rival nation, and accepts public trusts and service there; he, who abjures the most sacred principle of our social compact, &c. and has abandoned France for ever, cannot retain the title of a Frenchman.” This same principle of public law prevails on the continent, and is adopted in Brazil. According to the *Brazilian Charter*,\* “persons, born in Portugal and the possessions thereof, who, residing in Brazil at the period when the Independence was proclaimed, expressly adhered thereto, or tacitly by the continuation of their residence, acquired the rights of Citizenship;”

\* Tit. II.—Art. 6. Clause iv.

but all the rest are as much foreigners in the Brazilian dominions as Englishmen and Frenchmen. The Manufactures and produce of Brazil, are also rated as foreign, in the Custom Houses of Portugal. On this principle, it was, that the Brazilians declared their own independence, and they have ever since evinced the greatest jealousy of any interference in their affairs by the Portuguese. As a further illustration of this feeling, it may be mentioned, that so short a time ago as the 28th of last July, (1828) a decree was issued by the Emperor, declaring, "that the bare-footed Carmelites in Brazil have their prelates and superiors in Portugal, to whom, notwithstanding the Independence of the Empire and Separation from Portugal, they continue to pay obedience, and, in so doing, give occasion to foreigners to exercise authority within the territory of the Empire, which is manifestly contrary to its Independence, prejudicial to its interests, and prohibited by its laws," &c. Here we have the Emperor Peter, consistently with the spirit in which Brazilian Independence was declared, and also in strict accordance with the laws and institutions of the country which he governs, does not allow even the inmates of half a dozen convents in his dominions to owe allegiance to their superiors in Portugal, even in matters of religion; but, on the other hand, he takes upon himself to abrogate the political laws of a whole kingdom and impose others, of his own making, in their stead, and then sends them a "Queen Regnant," wrapped in swaddling clothes, and proclaims that she is to ascend the throne, notwithstanding he is himself as much a foreigner in Portugal, as the Portuguese Superior of

the Carmelite order, who sends over Briefs and Pastoral Letters, is in Brazil !

In whatever light, therefore, the alleged rights of Dom Pedro to the throne of Portugal are viewed, they will be found divested of even the smallest foundation, either in law or equity. It has, however, been argued on his behalf, that the late King, John VI. in the Act by which he ratified the Brazilian Treaty of Independence, signed on the 15th of Nov. 1825, designates him, his said son, as the " Heir and Successor to these Kingdoms," and calls him Dom Pedro de Alcántara, Prince Royal of Portugal and Algarves." And can this be considered as either conveying, or strengthening, a right to the crown, in direct opposition to the very spirit and letter of the Public Instrument in which this style of address is used? Those designations had hitherto belonged to Dom Pedro; out of courtesy, or habit, they might then have been continued to him; but they were evidently intended to cease, as far as regards right, at least, from the moment the Treaty was completed, which was only in a state of progress, when signed by the father, and who, in the very same Act, had previously declared, " that he was anxious to promote the general prosperity and secure the political existence, and also the future destinies of the Kingdoms of Portugal and Algarves, as well as of the Kingdom of Brazil,"\* thus evidently distinguishing the two sovereignties, and placing them in counter-position, one to the other.

Pursuing the argument still further, and even sup-

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\* Vide Original Treaty.



posing that the venerable and affectionate parent had wished to commit an act of injustice in favor of one son, to the detriment of the other, is such an act as this to be held binding on the Portuguese nation? Dom Pedro, as early as the 15th of Nov. 1825, when the document above alluded to was signed, and long before, had clearly surrendered up, or lost and forfeited, all right and title to the crown of Portugal, which he once held by lineal descent and the claim of primogeniture, and could the courteous, or fortuitous, wording of an Instrument, attributable possibly to the routine of office, and avowedly intended for quite a different purpose, restore that right and title to the man who was legally dispossessed thereof? The bare idea is preposterous.

But, granting, for a moment, that these misnomers of King John VI. or his official Secretary, were intended as a kind of last Will and Testament of the reigning sovereign, (and he was never better in his life, or thought less of death than when he signed the paper in question) could they alter the Constitution and Fundamental Laws of the State; or, are the Portuguese People bound to revere these his implied intentions? Certainly not. No illegal act of a sovereign is binding in Portugal, particularly when it affects the Constitution of the Realm. No change in the fundamental laws can be made, unless by the legal organ of the People. Hence, in the eye of the law, the alienation of Olivença and the Separation of Brazil, are illegal, and unless the proper formalities are adopted, may hereafter lead to disputes. The last Will and Testament of Sancho I. and that of John II. were never fulfilled by their successors. "No one

governs after his death," is one of the oldest maxims of the Portuguese code. "*Non debent igitur regum testamenta pro publicis, privatisve legibus haberi, vel pro civilis Status Constitutione, quam minime licet pro libito formare ac constituere; neque is profecto tenetur regni successor, quem nulla lege rex, tunc regnans obligare potest. Exemplo nobis esse possunt Sancti I. et Joannis II: testamenta, quæ Alphonsus II. et Emmanuel nihili pæne fecerunt.*"\*

It must always be borne in mind that, in 1139, the Portuguese gave a throne to their sovereign, and afterwards confirmed the gift, in 1143, by formally convening the Representatives of the nation for this special purpose; again, in 1385, they conferred a throne on John I. imposing on him conditions which he accepted and fulfilled; John IV. they also raised to the throne, in 1640, and in 1828, they declared that the crown belonged to Miguel I. and this sentence no foreign power has a right either to question, or impeach. Interested, or ambitious natives, or even the Sovereign of Brazil, who, in the affairs of Portugal, seems to have lost sight of every principle of public law and equity, which he so exultingly proclaimed among his subjects of the New World, may seek to influence foreign courts against the award of the Three Estates of the Realm; in England, for example, they may work the press; attempt to impose on the ministers, and make the most powerful appeals to the feelings of the people, by holding up to them an interesting and helpless child, who, they assert, has been stripped of her birthright; deprived of her

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\* Inst. Jur. Civil. Lusit. Lib. iii. Tit. v. § 27.

crown, and besides treated with indignity. Every art—every stratagem, may be interwoven with the underplot, so as to give to the illusion the appearance of reality. Puffs and Court Circulars may grace the daily prints, and every corner of the streets—nay, the dead walls into the bargain, may be placarded with the title of **QUEEN—QUEEN—QUEEN**; meetings may be convened and addresses and sceptres voted—nay, 200 Portuguese, collected in and round London, by a public notice, may be found weak, or inconsiderate, enough, on the *patriotic* and eloquent exhortation of their Ambassador, just issuing from the temple of the Deity, where the prayers of the officiating priest were addressed to the Almighty on behalf of the pretended **QUEEN**,—such men as these, in short, may be influenced to take an oath of allegiance to the person who, they are told, is their rightful and legitimate sovereign,\* notwithstanding every ancient and modern law of their own country upholds the reverse; the framers and abettors of the imposture may even proceed to assemble a meeting, so illegal

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\* It has long been customary for Foreigners, as such residing in England, to take the oath of allegiance, in the hands of their Ambassador, on the accession of a new sovereign to the throne of their country, as a kind of bond, or rather, as a means to renew and retain the rights of citizenship, which otherwise might possibly be invalidated, or forfeited, and a due and solemn act is consequently drawn up on the occasion; but this is the first time that a large body of Foreigners, flying from the punishment of a conspiracy which they had neither the courage, nor the means to realize at home, and yet now projecting a second attempt, joined by a handful of residents, ever ventured in England to take an oath and subscribe to a compact that would be considered treasonable and rebellious, in their own country. To such a pass as this, is it, that the Portuguese have come, in London! And is the adviser and instigator of such an act of folly as this, the Marquess de Palmella!

as this, for, the act therein performed, notwithstanding it has reference to another country and does not at all apply to these Realms, does not the less amount to treason, or, at least misprision of treason, since it forms the basis of a conspiracy against another Sovereign and another State, and is intended to be wielded in a manner directly opposed to the acknowledged principles of international law; yet, after all, these demonstrations and these lures will only serve to prolong the delusion for a few weeks, and enable the authors of the imposture, (which, if the young Princess herself had only age and sense enough to comprehend it, must render her truly unhappy,) to appear in their proper character before a British Public.

At all this no one, who looks into Portuguese affairs in England, and sees the heroes by whom they are managed, can be astonished. For this activity and transcendent *patriotism*, they have, however, some precedents on record. This is not the first time that the terms "rebellion and illegitimacy" have been wielded in London to asperse the most noble and heroic acts of the Portuguese nation. In exactly the same manner, did the envoys, agents and partizans of Philip IV. here, as well as at the other Courts of Europe, seek to weaken and disfigure the heroic rising of the Portuguese nation, in 1640. They had not indeed the attractions of an innocent and interesting female child; or so large a portion of the press in their service—nor had diplomacy, in those days, acquired so many refinements; but the efforts of Philip's real, or pretended friends, were equally well-timed and unceasing—equally strenuous and *patriotic*.

Those were trying times to Portugal, and equally

so as the present crisis. The King of Denmark and the Emperor of Germany refused to acknowledge the act of the Portuguese Cortes, and the latter imprisoned Prince Edward, brother of John IV. and even delivered him into the hands of his enemies. Pope Urban VIII. also refused to receive an ambassador from Portugal, or provide bishops for the diocesses; nay, Philip's ambassador carried his insolence and his audacity so far, as to attack Dom Miguel de Portugal, Bishop of Lamego and his suite, with a band of armed ruffians, precisely in the late Plymouth style, in the streets of Rome, whither he had been sent on a public mission; but the spirited Prelate and his friends, put them to flight and killed several of their party.

These same intrigues and opposition, on the part of the Spanish Philip, were unremittingly pursued, even up to the year 1661, when the great Treaty with Portugal was concluded, as it were, in defiance of the Castilian agents, who lavished money in the British Capital, in order to prevent the conclusion of a Convention, which at once defeated Philip's hopes of ever again usurping the Throne of Portugal. When Charles II. announced to Parliament his intended marriage with Catherine, the Infanta of Portugal, he was obliged to use every species of artifice, the Spaniards having completely biassed the public opinion against the Portuguese. The Count da Ponte was the negotiator of the Treaty in question, on behalf of Portugal, and individually received particular marks of distinction from the King of England; but, as his own Correspondence\* states, so delicate were

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\* This Correspondence is carefully preserved in the archives of Portu.

circumstances at that time ; so great the ascendancy which the Castilian agents had obtained over the minds of the people, and even over the King's Household, that the latter was obliged to give the Count da Ponte the keys of a garden gate and of his own chamber, in order that he might visit him, unperceived, and treat with him, without the formality of a presentation.

At length the Portuguese (those in Portugal is here meant) roused by the manner in which their Revolution was treated, in those Courts where the Spanish Philip still retained his influence and spent his dollars, published a Manifesto, in Latin and Portuguese, known as the memorable Declaration of 1641,\* of which the following is the Preamble, in English. "Manifesto of the Kingdom of Portugal, in which are declared the rights, the causes and the manner in which the nation acted, in order to withdraw itself from the obedience of the King of Castile, and obey the voice of the Most Serene D. João, Fourth of that name and the Eighteenth among the Kings of this Kingdom."

The Manifesto then proceeds thus ; "It would seem that the World, with very great justice, asks the reason of the doings in Lisbon, on the First of Dec. 1640, when obedience was withdrawn from Philip IV. &c.—It will be expedient to satisfy this common

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gal, and it is a fact that there, as well as in Spain, various reports of ambassadors and agents employed in England, at several interesting periods, may be found, conveying their own views of public matters and the movements of the palace, with which our own historians seem unacquainted.

\* Lisboa, Paulo Craesbek, 1641, Com todas as Licenças necessarias.

wish, by manifesting the motives for this act; because, as kingdoms are the principal members of the universal Commonwealth of the World, which, as component parts, they constitute, it is just, and even obligatory, that it should be informed of what is passing in each one of its parts, &c. Portugal suddenly proclaimed a King, having previously obeyed another. It might be asked—what right had the Portuguese nation to do this, &c.; whether the King, who was so proclaimed, had a legitimate right to the throne, or whether it was the duty of his subjects to follow and obey him?" &c.

The causes which led to the change of dynasty are then explained, in detail. It was next proved, that the original success of the Philips was derived from force, and that consequently they had usurped the throne of Portugal, and, by the same means, held it during three successive reigns; that they had perjured themselves and broken their most solemn oaths; and that, in short, the people of Portugal were in an attitude to claim their invaded rights and exercise attributes, of which no earthly power could deprive them, and firmly resolved to secure to their posterity the benefits which they had just acquired, &c. This Manifesto had the desired effect. The several European powers acknowledged the new dynasty in Portugal; sent ambassadors to Lisbon, and even the King of France, Louis XIII. wrote to the new sovereign, assuring him "that he was well content and satisfied in receiving the news of the universal consent and general applause, with which His Majesty had been received and acknowledged, as the legitimate successor of the Kings of Portugal,

&c." In a word, John IV. ceased to be a rebel; an usurper, and an illegitimate King; those who had rendered services to their country received the corresponding rewards; the august House of Braganza was acknowledged, and Great Britain concluded a preliminary Treaty, which was formally confirmed by another, in 1661, for the express acknowledgment of the Independence of Portugal.

According to every public and authentic record on which the history of Portugal is founded, it is manifest that the Lusitanians, from the earliest date of their Monarchy, enjoyed the benefits of a Representative system, and that these benefits, after a considerable lapse of time, were suspended, or rather withheld from them, by an arbitrary power, although never legally taken away. It is also further established that, till the period of their suspension, on all great emergencies, particularly in difficulties relating to the Succession, the Cortes, or Three Estates of the Realm, were convened, and their award was held final and binding in law. Some of the most remarkable and important cases which have occurred, in support of these premises, have already been mentioned; but the circumstances which led to the election and accession of John IV. deserve more particular notice, in consequence of the principles established and the avowals then made, in the acts and debates which led to that memorable event.

The Portuguese, tired of a foreign yoke, and indignant at the unjust and oppressive acts which they had been compelled to endure, during the reigns of three successive foreign monarchs, at length rose up and asserted their national rights, when the Cortes



assembled at Coimbra, in January, 1641, for the purpose of providing a Successor to the throne, and the motives, as previously noticed, were announced in a separate Manifesto. Some of the most eminent Jurisconsults and several learned Jesuits were present on this occasion, and in the Preamble to the Resolution, or *Assento* of these Cortes, drawn up for the purpose of recording the election of John IV. the following remarkable principles and axioms are avowed and established.

“ And, according also to the form and order which, at the very commencement of the Kingdom, was observed towards King Alonzo Henriques, the first Sovereign thereof, whom the people having already raised to that rank, on the plains of Ourique, when he conquered in the battle against the five Moorish Kings, &c. ; And presupposing it to be an acknowledged point in law, that to the Kingdom only does it belong to judge and declare the legitimate Succession of the said Kingdom, when thereon there is any doubt among the Pretenders, in reason of the last King dying without issue, and also to exempt itself from his subjection and dominion, when the King, by his mode of government, renders himself unworthy of reigning; since this power remained with the nation, when the people, at the commencement, transferred theirs to the King, in order to govern them; and there being over those who acknowledge no superior, no other person whatsoever to whom the same right can belong, unless it is to the said Kingdoms themselves, as is at full length proved by the learned who have written on the subject, and as may be seen from the Cortes of King Alonzo

Henriques, as well as of King John I. ; We, therefore," &c.\*

Another very striking instance of the power of the Cortes, was seen in the dethronement of Alonzo VI. the lineal Successor, when his brother, afterwards Peter II. was called to the throne, on the 27th of Jan. 1668. A legal question was then proposed by the Cortes to select Jurisconsults, and among them the Jesuit, Nuno da Cunha, in the following words ; "It is asked whether the Kingdom, assembled in Cortes, can take away and deprive a King of his hereditary Kingdom, on the plea of his being unfit to govern it, and for not attending to, or treating of the common good and its conservation ? And the present doubt is, whether it be possible not only to deprive him of the administration and the government, by giving them to the immediate Successor, to whom by right they belong ; but also to deprive him of the title of King ?"

Nuno da Cunha's answer, in the affirmative, is found, at full length, in the *Provas da Deducção Chronologica e Analytica*, Part I. and the details of this singular deposition of the reigning monarch may be seen in the *Portugal Restaurado*, Part II. from which it appears, that the most tumultuous proceedings against Alonzo preceded the formal declaration of the Cortes, which stripped him of the crown and conferred it on his brother. The charges were regularly and formally established, and notwithstanding undue influence was evidently used on this occasion, both

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\* The copy of this memorable Act, taken from the original preserved among the Archives of the Torre do Tombo, was inserted by Dr. Francisco Velasco in his *Justa Acclamado*.

by the Nobles and Jesuits, mixed up with some strong prejudices, personal enmities, and flagrant acts of injustice, the award of the Cortes was held binding, when Peter II. first appointed to the Regency, afterwards ascended the throne, and was, in due course, acknowledged as the lawful sovereign, notwithstanding Alonzo retained the nominal title.

The causes which led to the deposition of Alonzo VI. are curious and instructive, as regards the history and legislation of Portugal. They are thus described in the *Gabinete Historico*, Vol. IV. page 322, of the Lisbon Edition of 1819. "The disturbances of the Kingdom increased, and the most expedient remedy for so many evils appeared to be, the Convocation of the Cortes, in order that by the meeting of the Three Estates, some form might be given to the Government, and so many scandalous innovations stopped. The Infante approved of this measure ; but, as for the assembling of the Cortes the will of the King was necessary, and he was opposed to their being held, the Municipality of Lisbon presented a Remonstrance to His Majesty, exhibiting the many and great matters which required the meeting of the Three Estates of the Kingdom, in consequence of its not being possible to determine upon them, without their being assembled ; but the King persisted in withholding his consent to the Convocation of the Cortes, notwithstanding all the Counsellors of State urged him to do it. In this perplexed state of affairs, opinions were various ; the result of which was, that the Government was delivered over to the Queen and the Infante, the authority in the King remaining without exercise, which the Marquess de Sandé reported to

the Council of State, and thus exposed himself to the effects of the King's indignation."

"The Counsellors of State, as well as the Nobility and People of Lisbon, seeing the manifest danger of anarchy, and that the nation was driven to a state of desperation, dreading that the Kingdom would soon be divested of a government and the monarch left without successors, through his impotency, occasioned by an injury, received during an illness, in early life, agreed, all of them, to deliver over the government to the Infante. For this reason, on the following day, the Marquess de Cascaes entered the palace, and discovering that the King was still asleep, he knocked at his chamber door with great violence, demanding that it should be opened to him. The Marquess entered freely, and going up to the King's bed, boldly told him, that it was no longer time to sleep, so much at his ease, now that they were treating of the great affair of putting an end to the calamities of the nation; and seeing that Providence had refused to him the capabilities, suited for the government, as well as the fecundity requisite for generation, the Infante had been appointed to the Regency of the Kingdom, in like manner as Alonzo III. had been named through the incapacity of King Sancho Cappello, as well as the Infante Dom Pedro, during the minority of Alonzo V." The King was then placed in confinement.

Sir Robert Southwell was, at this time, the Envoy Extraordinary of Charles II. to the Court of Lisbon, as well as an eye witness of the singular occurrences which took place in the Portuguese capital, and of them, in his official despatches to the Earl of Arling-

ton, H. B. M. minister, he gives a long and minute account, from which the following is an extract, the original bearing the date of Lisbon, 28th of Nov. 1667.

“ At this proceeding not only many of the sober nobility, but very many also of the Infant’s own party, remain exceedingly scandalized, saying it was immaturely and harshly done; and though the same fortune in effect would have befallen His Majesty, at the Meeting of the Cortes, yet there the proceeding would have been more specious, methodical, and of better aspect towards the Infant than this, which had nothing to excuse it from open violence. However, having got the whole power into his hands, he finds a general obedience, and those who approved not the way, submit to the thing; but with impatience attend the meeting of the Cortes, who by their approbation must then sanctify all these proceedings, for till then, they are, as they confess, in a state of mortal sin.”

Sir Robert, further on, remarks, that, “ The people, about this time, grow so clamorous and importunate for the assembling of the Cortes, that they do, not only in their speeches, but in their papers, declare that they will pay no more taxes to the King, if he shall persist in his refusal of so just and universal a demand.” Under date of the 15th of Nov. (1669) writing on the same subject, to the Earl of Arlington, he transmits the following particulars.

“ I have this afternoon discoursed with a gentleman, of a very good knowledge, and a follower of the Infant, whose language to me was this: ‘ Sir, the Three Estates must inevitably be called together,

and that to judge and give approbation to what hath past ; for hitherto it can be called nothing else than rebellion, and on this side of the Pyrennees never any such thing escaped with a better name ; but, says he, ‘ when the Three Estates of the Kingdom shall be assembled, which make a Supreme Council, and leaves the King in little other estate than that of a private individual, then the motives and provocations of all these things being made apparent, and the guilt and disorders of those, who have been accused, being brought to examination and final sentence, all these traverses will have their justification from the authority of that assembly, and the world be convinced of the equity of all proceedings.’ ” He then requests Lord Arlington to send him “ instructions not only in reference to these mutations here, but also as to the probabilities now again revived, on the side of Spain, for an accommodation between these two crowns.”

It is evident, from the official correspondence which passed on this occasion, that the British minister declined altogether interfering in the “ mutations,” as Sir Robert Southwell calls them, at that time going on in Portugal, employing his policy, in the first place, to prevent any union between Portugal and Spain ; and, in the second, to defeat the views of the French Government, busily engaged in the negotiation of a separate League with the Lisbon Cabinet, the full particulars of which Sir Robert conveyed in a letter, addressed to Lord Sandwich, dated March 13, 1667.\* As an independent nation, even under

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\* Vide Arlington's Letters, London, 1771.

circumstances of rather an aggravated character, the Portuguese were left to settle their own affairs; they were allowed to apply their own laws to the emergencies in which their country was placed, and when the subsequent award of the Cortes was made known, it was not only revered in England, but also in the rest of Europe. Peter II. quietly ascended the throne, and as quietly transmitted it to his descendants; nor did the events which led to his accession, tumultuous, as in some respects they certainly were, for one moment affect our diplomatic, or commercial, relations with Portugal.

Under all circumstances, it is, therefore, clear, that the Regency, appointed by the Decree of John VI. dated March 6, 1828, on the King's demise, and in the doubts and difficulties in which the nation was then placed, particularly as regarded the Succession to the throne, through the important changes which had occurred, during the latter part of the lifetime of the deceased monarch, ought instantly to have assembled the Three Estates of the Realm, and submitted to them the novel and extraordinary case that presented itself. This was the only legal and Constitutional mode of removing doubts, and settling the Succession on a clear and permanent basis. Had it then been done, Portugal would have been spared all the anarchy—blood, and desolation that has since ensued; the Community would not now be rent asunder by feuds and factions; nor would a large and an interesting part of the population have been made the dupes of designing demagogues, or the tools of would-be heroes. Why this judicious and provident act was not then performed, requires some explanation.

It has been already observed, that a powerful intrigue had been going on against the Queen Dowager and Dom Miguel, in Lisbon, principally conducted by the leading persons who surrounded the King, till the very period of his death. This intrigue against the Queen, commenced during the time of the first Constitution, when her Majesty, in a bold and formal manner, announced to the Cortes, that she could not, and would not, subscribe and take the oath required of her to a Code, which she could not reconcile to her own conscience. The anger of the framers of this short-lived Constitution was consequently roused, and the Queen became the object of their unwearied persecution. It was decreed that she should be expelled the Kingdom; but, after a great deal of blustering, the new Legislators had not the courage to enforce their sovereign mandate, though directed only against an almost helpless female, who had been carefully stripped of all her friends, and kept in perfect seclusion. The Queen was, in fact, confined as a state prisoner, at her country seat of Ramalhaõ; watched and guarded, and centinels placed at the avenues to prevent access. The indignities which she then endured, as well as after the downfall of the Constitution, from the ministers and such other persons as were in the King's confidence, would scarcely be believed; and these indignities exciting her just resentment, unfortunately led to some acts of retaliation, and opened the door to the most serious and destructive part of those feuds and factions, which have ever since desolated Portugal.

King John VI.'s decree, above mentioned, and dated March 6, 1826, appointed his daughter, the



Infanta, Isabel Maria, and four Counsellors of State as a Regency, among whom was the Duke de Cadaval, the premier Duke of the Kingdom, and a nobleman generally beloved. The Princess, at the moment, was surrounded by persons in enmity with the Queen, and Dom Miguel still retained at Vienna. The Regent early became devoted to the Liberal party, and that party seemed determined to allow no other Sovereign to sit on the throne of Portugal, than Dom Pedro, and immediately advices were sent out to him. There seemed, in short, a premeditated plan to exclude the Queen Dowager from all interference in public affairs, as well as to prevent the Infante Dom Miguel from asserting his rights to the crown. A deputation was subsequently sent from Lisbon to Rio de Janeiro, to compliment Dom Pedro, in his Character of King of Portugal and Algarves, as well as to submit to him such plans as had been deemed conducive to the welfare of the Kingdom and his security on the throne. This deputation, however, arrived too late, to be of any service. The destinies of Portugal had already been fixed and decreed, at least, as far as regarded the Brazilian Emperor, as will be seen from the following particulars.

On the 25th of April, the official account of King John VI.'s death reached Rio de Janeiro, where the event had been known ten days previously, the particulars having been conveyed out by an English packet, bound to Buenos Ayres. The Emperor was, in fact, prepared to receive the official tidings of his father's death, and most of his arrangements for the future destinies of Portugal, at least, as far as his own intentions went, were already in a state of forward-

ness. On the following day, (26th) without the smallest formality of an oath, or consultation, he assumed the powers of King of Portugal, under the title of Peter IV, and his first act was to confirm the Regency, appointed by his late father, which, as his own edict states, "shall govern until the installation of the one which it is my intention to decree in the Constitutional Charter of the Portuguese Monarchy; which I shall immediately proceed to enact." On the same day, by Letters Patent, he appointed 2 Dukes, 1 Patriarch, 4 Archbishops, 27 Marquesses, 43 Counts and 13 Bishops, in all 77, to form a Chamber of Peers; and by another decree of the same date, the Duke de Cadaval was appointed President of this Chamber. In a separate edict, he also ordered the elections for Delegates to the "General Cortes of the Kingdom." On the 27th, he issued an amnesty-decree, and on the 29th, proclaimed the "Constitutional Charter of the Portuguese Monarchy." On the ensuing 2nd of May, he abdicated the throne of Portugal in favor of his daughter, Maria da Gloria and Princess of Gran Pará, in the following extraordinary words:

"Dom Pedro, by the Grace of God, King of Portugal and Algarves, &c. &c.—Do hereby make known to all my Portuguese subjects that, it being incompatible with the interests of the Empire of Brazil and those of the Kingdom of Portugal, for me to continue to be King of Portugal, Algarves, and the Dominions thereof; and wishing to promote the happiness of my said Kingdoms, as much as is in my power, I have thought proper, from an impulse and free will of my own, to abdicate and yield up all the indisputable and inherent rights which I hold to the Crown of the

Portuguese Monarchy, together with the Sovereignty of the aforesaid Kingdoms, to the person of my dearly beloved and highly valued Daughter, the Princess of Gran Pará, Donna Maria da Gloria, in order that she, as their Queen Regnant, may govern them independent of this Empire, and pursuant to the Constitution which I have thought proper to decree, grant, and command to be sworn to, by my Letters Patent of the 29th of April, in the current year; And further, I have been pleased to declare, that my said Daughter and Queen Regnant of Portugal, shall not depart from the Empire of Brazil, until I have had official proof that the Constitution has been sworn to, in the manner by me ordained, and until the espousals of marriage, which it is my intention to make for her with my beloved and highly valued Brother, the Infante Dom Miguel, shall have been carried into full effect and the marriage concluded; And this my Abdication and Transfer shall not take place, if any one of these two conditions should be wanting," &c. &c.

Thus, in the space of one week, a Constitution was made and enacted; a House of Peers appointed; the Throne abdicated and a Successor named; in a word, in the short period of seven days, every right, privilege and enfranchisement which the Portuguese had enjoyed, from the very foundation of their Monarchy, was taken away; every thing which they had of great and glorious among them, trampled to the earth, and this by an individual, seated on another throne, at two thousand leagues distance; by one who had long before voluntarily surrendered his own rights to the crown of his ancestors; who had be-

sides, in numberless ways, forfeited his claims to even the character of a Portuguese, and who had not taken the oath required of all the Sovereigns of Portugal, before they assume the regal power, or complied with any one of the formalities, prescribed on such solemn occasions. Perhaps a more monstrous absurdity—a more unjust or ill-advised act, was never before committed, or attempted, in the annals of any nation on the earth. Such an undue assumption of power, was, in fact, never before witnessed. Dom Pedro, without the advice of a single individual, known to the Portuguese; without the form of a mock Council of State; without even the common observances requisite to enforce a Custom House Regulation, of his own will—as it were, at his own pleasure, revokes, derogates, and annuls the whole of the Fundamental Laws of the State,—Laws, religiously venerated during a period of nearly 700 years, and arrogantly raising himself above all responsibility to God, or man, declares that the Portuguese henceforwards shall have no other institutions than those which he is pleased to grant and enact for them—nor any will but his. Dom Pedro, although civilly and politically dead to Portugal, from the very moment he accepted the crown of Brazil, no sooner hears of his father's decease, than he declares Portugal to be his patrimony, and will deal with it as he thinks fit.

And in lieu of the Statutes of Lamego and the Declaration of 1641; in the place of institutions and customs, interwoven with the national character, and revered as the proud monuments of a glorious ancestry, what is it he bestows on the Portuguese People? If only properly examined, the boasted

Charter, sent over to Portugal, like a Pandora's box, in Sir Charles Stuart's pocket, is no other than a reprint of the Brazilian Constitution ; a clumsy adaptation of the one taken by the Portuguese "Regenerators of 1820" from the Cadiz model of 1812, and in many respects a Copy of the French Constitution of 1791, as may be seen from a careful comparison of the four codes.

The "Constitutional Charter of the Portuguese Monarchy, decreed and bestowed this 29th day of April, 1826, by the King of Portugal and Algarves, D. Pedro IV. First Emperor of Brazil," is certainly the most curious piece of workmanship that ever issued from a Political Laboratory. The preamble is the first singularity that strikes the attentive reader. It runs thus ; "Dom Pedro, by the Grace of God, King of Portugal and the Algarves, &c. Do make known to all my Portuguese subjects, that I have been pleased to decree, bestow, and command immediately to be sworn to, by the Three Orders of the State, the underwritten Constitutional Charter, which, from this time forwards, shall govern those my Kingdoms and Dominions," &c.

The Brazilian Charter is indeed more modest than this. It says nothing of the "Grace of God," but acknowledges that D. Pedro was raised "by the unanimous acclamation of the people." Portugal, however, appears to be considered as an hereditary fief, of which the pretended sovereign thinks he can dispose, at his own pleasure, notwithstanding that he boasts of being a Braganza ! A Charter is thus "decreed and bestowed," through the operation of which, all political union is destroyed, and every

Statute and Institution—every right, privilege, charter and distinction—in a word, every proud tradition and every glorious recollection, which the Portuguese derived from their ancestors, overturned and effaced; and this by the simple mandate—*JE LE VEUX*. Where in the history of Portugal, or in that of any other nation in Europe, shall we find an act of folly, injustice and usurpation equal to this? Even the style and title assumed, “King of Portugal and the Algarves,” is incompatible with every legislative record found in the public archives. Such a style and title is used at the head of *Alvarás*, (Letters Patent) or for the enactment of aggregative laws, but never as an authority for a Fundamental Statute, or a Declaration, bestowing rights and privileges on a whole nation!

The preamble, nevertheless, enjoins, that the Charter should be immediately sworn to by “the Three Orders of the State;” why, then, were they not assembled? Two Chambers did indeed assemble; but they were not composed of the “Three Orders of the State,” as understood in Portugal. The Nobles and Prelates were named at the enactor’s pleasure; and the Representatives of the people assembled in conformity to a new law of elections, destructive of every ancient right—every boasted privilege, which the principal cities and towns had enjoyed from the early ages of the Monarchy. The new principle possibly might be more fair and equitable; but, is this a sufficient plea to commit an open act of injustice and usurpation? No conqueror, either in ancient or modern times, ever dictated such terms to a vanquished and enslaved nation!

On a comparative inquiry, it was further ascertained, that Articles 25, 27, 32, 33, 72, 78, 140, 141, 142 and 143, of the Portuguese Charter, in purport, are the same as Articles 28, 36, 97, 100, 101, 127 and 183 of the Lisbon Constitution of 1822; that clauses 1, 2, 8, 9, 10, 11, 12, 14 and 15 of Article XV. of the Charter, are nearly equivalent to clauses 1, 4, 7, 8, 9, 10, 11 and 14 of Article 103 of the said Constitution; and the same in many other respects. As compared with the Brazilian Constitution, the Portuguese Charter is almost a reprint, with only a few adaptations, and its two originals, viz. the Lisbon Constitution, of 1822, and the Brazilian Constitution, of 1828, as before noticed, are in many parts taken, *verbatim*, from the French National Code of 1791.

By our earliest political writers we have invariably been told, and by an express Statute, corresponding to the 12th and 13th of William III. it was constitutionally declared and enacted, "that the Laws of England are the birthright of the people;" and certainly the same may be said of the Portuguese. How is it, then, that any individual, and that individual a foreigner, shall dare, in the enlightened age in which we live, and with such opposite professions as he himself has put forth to the world, before him, to strip a whole nation of their birthright, and, in lieu thereof, to offer them, (worse than even a mess of pottage) the quintessence of two Constitutions, which had previously received the execration of the governments and people of Europe! By Statute of 1 William and Mary, (St. i. c. 6) it was formally established, "that the Coronation Oath is to be administered to every King and Queen who shall suc-

ceed to the Imperial crown of these realms, by one of the archbishops, or bishops of the realm, in the presence of all the people, who, on their parts, do reciprocally take the oath of allegiance to the crown," &c.\* The Portuguese, as previously pointed out, in a manner equally explicit and in words far more remarkable, imposed the like obligation on their princes, aspiring to the royal dignity; but, the thoughtless Peter, from his lofty throne, seated in another hemisphere and the whole Western ocean rolling between him, cries out,—I am the only monarch who is not bound either by human laws or the oaths of my ancestors—I alone can act as I will, and ye, for whom I am now legislating, are bound to obey my mandate, without repining!

On a careful review of the Fundamental Laws and national institutions of Portugal, nothing indeed could be more absurd than to suppose, even when the title is indisputable, that the Legislative and Executive Powers were concentrated in one person. There, as with us, the supreme power is constitutionally divided into two branches. The Cortes of Portugal and Spain, from the earliest ages, were equivalent to the Parliament of the French, under Louis VII. They were equally a *commune concilium regni—magnum concilium regni—curia magna—conventus magnatum*, and met for the purpose of deliberating on the exigencies of the State, as well as for the enactment of corresponding laws, in concert with the sovereign. As with us, the convocation of the Cortes certainly formed part of the royal prerogative, a

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\* Blackstone's Commentaries, Book I.—Chap. 6.



right which Peter II. as previously noticed, was the first monarch to abuse. We have it on record that, by a Statute (16 Car. 1. c. 1) it was enacted that, if the King neglected to call a Parliament, for three years, the Peers might assemble and do it; and in case the Peers should be remiss in this part of their duty, that the national constituents might then elect one themselves.\* Evidence has already been adduced, to show that the Portuguese Cortes, at various periods, passed laws of a similar nature.

With us, it is an implied obligation on the reigning sovereign, to allow Parliament to sit annually for the dispatch of business, "*if need be,*" as the law stands; but, this last condition was so vague and general, that several of our monarchs refused to convene Parliament, for a considerable time, on the plea of its not being requisite.† Alonzo VI. did the same, and, as already noticed, the imprudent act cost him his crown. The Cortes of Portugal had also the power to regulate and sanction acts which, for the public good, had been done in a manner, contrary to established usage, and even in opposition to the Statutes of the Realm, as was the case in the deposition of the last-mentioned Monarch, Alonzo VI. as before explained. We did the same, when the Prince of Orange was called to the throne. The mode in which the Convention then met, was certainly informal, and even illegal; nevertheless, a Statute was passed (1 W. and M. St. 1. c. 1) whereby the Convention was declared "*really to be the*

\* Blackstone's Commentaries, Book I.—Chap. 2.

† Blackstone's Commentaries—Ibid.

two Houses of Parliament," notwithstanding the defects under which it had been assembled. Soon afterwards, it was further declared to be one of the rights of the people, for the redress of their grievances, to have Parliaments held *frequently*,\* and this indefinite *frequency* was subsequently reduced to a certainty, by a positive law.† As with us, again, the Monarch in Portugal opened the Cortes, and he alone had the power of dissolving them. The speech, pronounced at this ceremony, although done as it were by commission, was taken as his act—his counsel and injunctions being conveyed by a minister, or prelate, under his immediate authority.

On what grounds, therefore, are the Portuguese to be deprived of rights, quite as sacred as our own, and fully as well secured by law? Why shall they be prevented from assembling the Representatives of the nation, when the most imperious of all circumstances require that it should be done? As an independent nation, held and considered as such, from the days of the First Alonzo, particularly so by us since the expulsion of the Spanish Philips, who shall obstruct them in the exercise of a right, suspended, but not taken away, by the arm of an arbitrary power? In modern times—nay, even in our own days, several attempts of a remarkable character, have been made to convene the Cortes, under their ancient and constitutional form, in which the right of their being so assembled, is most unequivocally avowed. These instances will be hereafter presented in detail. In

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\* Stat. 1 W. & M. St. 2, c. 2.

† 6 W. & M. c. 2.

the mean time, however, it is necessary to draw a further parallel between the Fundamental Statutes of Portugal and some of those which serve as a basis to to our own Constitution.

In Great Britain, Sir Edward Coke observes, "that the power and jurisdiction of Parliament is so transcendent and absolute, that it cannot be confined, either for causes or persons, within any bounds."\* Blackstone adds, "it hath sovereign and uncontrollable authority in making, confirming, enlarging, restraining, abrogating, repealing, reviving and expounding of laws, concerning matters of all possible denominations, ecclesiastical, or temporal, civil, military, maritime, or criminal," &c.† Precisely the same powers, as seen from the regular review of their sittings and authentic records, were vested in the Cortes of Portugal. Every matter, connected with the welfare of the State, and out of the ordinary course of the laws, was within the reach of this truly national Congress. The British Parliament could new-model the Succession to the crown, as was done in the reigns of Henry VIII. and William III.; so did the Cortes of Portugal, in the several instances already quoted.‡ The British Parliament could alter

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\* 4 Inst. 36.

† Blackstone's Commentaries, Book I. Chap. 2.

‡ Os Povos e os Reis, só elles juntos em Córtes, têm autoridade para variar o antigo modo da Successão, &c. Agora passamos a examinar um outro direito irrefragavel de reinar, aquelle que se adquire pela aclamação unanime e voluntaria do Reino. Com effeito, hé certo que quando, depois da morte do Rei, ha dissidencia entre os seus parentes a respeito daquelle d'entre si que deve ser admittido á Coroa, hé ao Povo, unido em Córtes, que pertence decidir e resolver as duvidas que occorrem,

the Constitution of the Kingdom, and reject, or sanction, the resolutions of their predecessors; so could the Cortes of Portugal, as already proved in a number of their enactments. The assembled Representatives of the British nation could, in fact, do every thing, conducive to the public good, and hence their power was almost proverbially called the "omnipotence of Parliament," and yet these powers were not more extensive than those of the Cortes of Portugal, provided the latter were duly and constitutionally exercised. What the British Parliament do and have done, no earthly authority can undo; and, from various examples successively adduced, this supremacy equally belonged to the Cortes of Portugal.

The *jus coronæ*, or right of Succession there, is also exactly the same as in England. Blackstone says,\* "that the crown (of England) is, by common law and constitutional custom, hereditary; but that the right of inheritance may, from time to time, be changed, or limited by Act of Parliament, under which limitations, the crown still continues hereditary." Our own eminent Jurisconsults have always taught, that the hereditary right which the laws of England acknowledge, owes its origin to the founders of the Constitution, and this is clearly the case in Portugal. There, as with us, this sound and salutary precept has received the consent of ages and ripened

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&c. E declarando (o Povo) por este Acto de Córtes o seu direito manifesto, não ha duvida que D. João IV. houve o Reino pelo titulo mas legitimo que se pode imaginar, pois que além do direito que tinha, obteve tambem a declaração do Povo.—Vide Original Manifesto of 1641, folio 5 and 11.

\* Blackstone's Commentaries, Book I. Chap. iii.

into law. Hereditary Succession is universally preferred to Election, in all the great Communities of Europe, as tending to prevent anarchy and disorder; but this regulation does not convey an indefeasible and paramount right. This right can be defeated by a power, equal to the one which first enacted the primitive law. This is also consonant to the institutions of Portugal, as proved by the several examples previously adduced, and this is equally the law of our own Statute Book. Blackstone says,\* “let us barely suppose so melancholy a case, as that the heir apparent should be a lunatic, an idiot, or otherwise incapable of reigning—how miserable would the condition of the nation be, if he were also incapable of being set aside!” Equally lamentable would be the situation of Portugal, if, when the heir apparent has surrendered up all his rights to the throne; disavowed his allegiance to the country which the right of primogeniture would otherwise have enabled him to govern, and forfeited even his claim to the title and character of a Portuguese, there was not a power, sufficiently supreme, to appoint a Successor, and make a Constitutional application of the existing laws!

We have numerous Statutes, intended to declare, confirm, limit and bar the hereditary title to the throne; whilst the Portuguese have one general one, as previously noticed, enacted by the Cortes, with the King's sanction, in 1641, and joined with the Statutes of Lamego, has heretofore regulated the Succession, and evidently continues to do so now. In the early

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\* Ibid. Book I. Chap. iii.

annals of our own history, we find several changes in the lineal descent; but the first remarkable instance of the intervention of Parliament, in this important matter, was, to confirm the title to the throne, on the death of Edward III. to the heirs of Lionel, Duke of Clarence, in preference to those of John, Duke of Lancaster, which solemn declaration was subsequently defeated by force of arms. Henry IV. before he assumed the crown, was, nevertheless, compelled to declare, that he claimed, not as a conqueror, but as a successor, descended in the right line of the blood royal.\* The Portuguese did nearly the same with the First Philip of Spain. Parliament, at the time above alluded to, interfered, and by a special Statute† formally enacted, “that the inheritance of the crown and realms of England and France, and all other the King’s dominions, shall be *set and remain* in the person of our Sovereign Lord, the King (meaning Henry IV.) and in the heirs of his body issuing,” &c. This proves that the Parliament had a right to new-model and regulate the Succession of the crown, in the same manner as the assembled Representatives of the Portuguese Nation have invariably done.

Various enactments touching the Succession were made, at different periods of our history, and Elizabeth was formally acknowledged by Parliament, as “the most lawful and rightful sovereign liege lady and Queen.” By a subsequent Statute, it was further declared, “that if any person shall hold, affirm, or

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\* Sir Mathew Hale, Hist. C. L. c. 5; Rymers Fœdera, &c.

† 7 Hen. IV. c. 2.

maintain, that the common laws of this realm, not altered by Parliament, ought not to direct the right of the Crown of England, or that the Queen's Majesty, with and by the authority of Parliament, is not able to make Laws and Statutes of sufficient force and validity, to limit and bind the crown of this realm, and the descent, limitation, inheritance and government thereof, such person so holding, affirming, or maintaining, shall, during the life of the Queen, be guilty of high treason, and after her decease, shall be guilty of a misdemeanor, and forfeit his goods and chattels."\*

A solemn Parliamentary Convention also restored the crown to Charles II, and the proclamation, issued on that occasion, confirms that award, in the very strongest terms. The accession of William and Mary is still more remarkable. The Lords and Commons having declared that there was a vacancy of the throne, they enacted "that William and Mary, Prince and Princess of Orange, be, and be declared King and Queen, to hold the crown and royal dignity during their lives, and the life of the survivor of of them; and the sole and full exercise of the royal power be only in, and executed by the said Prince of Orange, in the names of the said Prince and Princess, during their joint lives; and after their deceases, the said crown and royal dignity to be to the heirs of the body of the said Princess; and for default of such issue, to the Princess Ann of Denmark," &c. In default of issue, on the part of the persons therein named to the Succession, the Parliament, for the last

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\* 13 Eliz. c. I.

time, exerted their power of limiting and appointing the Succession, when the House of Hanover was called to the throne of England.

In an harangue, addressed to the Pope and his ministers, in 1642, by the Bishop of Lamego, who was sent to Rome, as envoy of the new sovereign, John IV. and of whom mention has already been made, the prelate used these remarkable words; "*A possessão do Reino, le fue consignada (to John IV.) pelo consentimento e decisão dos Tres Estados do Reino, certos de que á elle, só, pertencia o mesmo Reino;*" thus clearly acknowledging the supremacy of the Cortes. It is not, in fact, consonant to the laws of nature, or the principles of liberty and civil society, that the affairs of a realm should be otherwise administered. "The community," it has ever been allowed, "hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish government, in such manner as shall be by that community judged most conducive to the public weal."\*

Faria e Souza (*Europa Portugueza*, Vol. II. Part 2) speaking of his own country, also asserts, "that the right which the people have to maintain themselves in their ancient freedom, is so great, that the natural subjects of their natural King can put him aside, in case he oppresses them too much with tributes, and proves himself careless, or incapable of the government of the kingdoms; because God does not bestow a sceptre upon him in order to govern them with rigour, or with carelessness; but with mildness and justice; since, tyranny is the offspring

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\* Pennsylvania Declaration of Rights.



of rigour, as rain is of carelessness; both being calamities which derange every thing; whereas, mildness is followed by love and union—is the concomitant of justice, whence these virtues regulate every thing.” Of these same doctrines and practice, the history of Portugal furnishes many striking examples.

Sir Robert Southwell, who, from his acknowledged talents and the high situation which he held at the court of Lisbon, at one of the most memorable periods of the history of Portugal, may also be considered as a highly respectable authority on this subject, speaking on the right of Succession and the authority of the Cortes, observes as follows; “That a lineal succession was the Constitution of the crown of Portugal, is justly to be presumed, not only because it was so of all the other kingdoms in Spain, but because of common right, in things not derived from the last possessor, but annexed to a family and received from the first author thereof, the succession does not go by the right of inheritance to the last possessor, but by a right of blood, or of inheriting to the first Institutor and *Genarcha* of the Family.”

He then adds; “It was likewise evident that the Kings of Portugal, far from being able to dispose of the crown, could not so much as alienate any part of its domain lands or jewels. This,” continues he, “was in effect the sense of Philip of Spain, when he refused to own the authority of the last possessor, Henry, and of the States of Portugal to judge of the right of Succession, and denied that of the judges and governors of the interim established by them, since all the authority of a prince ceased at his death, and

could not operate, or have any effect afterwards; it being a clear maxim in law, that *jus morientis per mortem ejus extinctum est*; adding, that the royal authority, or King, in Portugal, never dies, any more than in England or France," &c.\*

According to every authentic record—every respectable authority that can be adduced from the Legislation and History of Portugal, it will consequently appear, that Dom Pedro's right to the European throne of his ancestors, was lost and forfeited, from the moment he placed himself at the head of the Brazilian people, and by an act of open rebellion, in the eye of the law at least, achieved their Independence, by force of arms. It further follows, that it was the Portuguese nation alone, which received the injury and had enacted the laws corresponding to offences of this kind, that possibly could have absolved him from the penalty attached to the deed. Rebellion and war, were ever held, by the Portuguese laws, as insurmountable objections against a claimant to the throne, as was fully proved by João das Regras, who acted as Chancellor at the Cortes of Coimbra, in 1385, when the claims of the two Infantes, sons of Peter I. and Ignez de Castro, were discussed. "The last of the motives," says Duarte Nunes de Leão, Chap. 45, "alleged by João das Regras, in order that the sons of D. Ignez de Castro might be excluded from the Succession of the Crown, was, that they had afforded succour and attached themselves to the enemies of their country, against

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\* Vide History of the Revolutions of Portugal and Letters to the Earl of Arlington.

which they several times marched, with an intent to plunge it into slavery. In fact, the Infante D. Deniz, in the reign of Ferdinand, entered with Henry, King of Castile, as far as Lisbon, devastating, plundering, and carrying fire and sword along the country through which he passed; whilst the Infante D. João, also entered with John of Castile, at that time the reigning monarch, and by his orders invested the town of Trancoso, which he assaulted several times. As he entered the Kingdom with an armed force, he lost the rights of Portuguese Citizenship; because, with his own hand, he burned Valdelaula; he besieged Elvas, and continued to carry on war against his country, as many persons present can attest and witness. In consequence whereof, even if there had been no doubt respecting his legitimacy, it would have been an indecency, nay, an absurdity, to have proclaimed an individual as King, who, of his own free will, denaturalized himself and lost his quality of a Portuguese." How this principle applies to the Brazilian Emperor, may be seen from his two proclamations, marked B. and C. found in the Appendix, to which allusion has already been made.

This legal and constitutional forfeiture was subsequently strengthened by the voluntary surrender of his own claims, made in the numberless pledges successively given to the Brazilian people, and especially by accepting the crown of a country, rendered foreign by an act of independence, the principal basis of which was, "not to allow of any other bond—any union, or federation, opposed to its independence." By the Statutes of Lamego and the Declaration of 1641, he was expressly excluded, on

the score of being a foreigner and non-resident ; whilst the laws enacted in the same year by John IV. made express provision *that, when the Sovereign, last in possession of the throne, had two kingdoms, the eldest son should take the largest for himself, and leave the other to the younger brother.* By his not having taken the oath, prescribed by law, for all Sovereigns ascending the throne, Dom Pedro was again deprived of his regal rights, and if these at the time had been ever so valid, they were lost and forfeited by the mere act of his attempting to revoke and overturn the Fundamental Statutes, as well as the Charters and privileges of the People, of his own free will, and without any legal or Constitutional process, a ground sufficient in itself to expel him from the throne, even if his title had been ever so good. The Statute laws of the Realm, as evinced by numerous examples already quoted, originated with the People and received the sanction of the reigning Sovereign, and in the same manner only could they be revoked, or altered. As long as the Fundamental Laws of a State are in force, and not abrogated, or annulled, any other individual, or assembly, not legally representing the clergy, nobility and the people, by whom, jointly with the King, they were originally enacted, assuming the legislative power and attempting to enforce his mandates, dissolves the social bond ; raises himself into a tyrant, and opens the door to anarchy. This is the public and acknowledged law of all nations, and particularly of Portugal.

Dom Pedro does more. Notwithstanding the Manifesto, of 1641, expressly declares " that the People and King alone, assembled in Cortes, have

authority to vary the ancient mode of 'Succession,' he considers himself sufficiently empowered, not only to change the rule of lineal descent, but also to place a Foreigner, of his own choosing, on the throne, and then enacts that, those who contravene his new Statutes, shall be guilty of high treason! He even tells the Portuguese that they shall have a Regency, during the minority of the Child whom it has pleased him to name, constitute and appoint for their lawful Sovereign; a species of Interregnum, again, completely at variance with the spirit and letter of the Constitution, and an evil against which it has been the object of the successive Legislatures to provide.

It has been raised as an argument in favor of the rights of the Princess of Gran Pará, that she was born in a Dependency of Portugal; Brazil, at the time of her birth, being an integral part of the Portuguese Monarchy. This circumstance does not, in the least, alter her present position. If she have any right at all to the Throne, it is evidently derived, as her own partisans themselves acknowledge, from her father's Abdication; but the crown of Portugal, although hereditary, according to a written law,\* is confined to the male line, as long as male issue can be found. In the right of entail, the throne of Portugal would thus go to her Brother, D. Pedro and Heir Apparent to the throne of Brazil, and if that right had not been previously taken away by the Father's own acts, no subsequent transfer, or conveyance of his, could deprive the Son of it. As well however might the Emperor of Brazil have fixed upon the second, or

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\* Inst. Jur. Civ. Lusit. Tit. viii. § 3.

third daughter, instead of the eldest; in short, as well might he have chosen any other individual, as far as acquired right goes, and declared that he, or she, should be the Sovereign of Portugal; the title thus conveyed, if valid at all, would have been equally as good as that of the Princess of Gran Pará. If the Kingdom of Portugal were a fief; or the Emperor's private inheritance, and not entailed under special limitations, he might then convey and give it away to his eldest Daughter, or to whomsoever else he thought proper; but, it so happens, that the Kingdom of Portugal was never held by any such tenure, either by the Emperor, or any of his Ancestors.

As already seen and established, no Sovereign of Portugal can dispose of either the lands, or the jewels of the Crown, and certainly much less of the Crown itself, even though his own right to it were undisputed. No Portuguese monarch, when seated on the throne, ever abdicated, without the previous consent of the Cortes, and no Sovereign, before John VI. who, it will be remembered, was pressed by events, absented himself from his Kingdom, without first complying with the same formality. Of these two facts, several examples have already been adduced, and by the Constitution of Brazil, the Emperor himself is bound by similar laws. According to the Constitution of Portugal, the Crown, by the right of inheritance, could not, on the death of John VI. be placed upon the head of the Emperor of Brazil, without presupposing the reunion of the two countries into one Monarchy. There is no other alternative, in which such a case possibly could occur. Nevertheless, Dom Pedro, at least as he thought, wore that

crown for one entire week, notwithstanding his pledges to the Brazilians, and his solemn engagement, contained in the 3rd Article of the Treaty of Independence and Separation, whereby he stipulated "never to accept Proposals from any Portuguese Colony, to unite with Brazil," a clause that necessarily excluded the Mother Country, and after so wearing it, for a whole week, he places it on the head of his Daughter, without any other formality, or ceremony, than merely saying—*such is my will*. The very Act of Abdication itself, or rather, the grounds on which it was founded, is the best possible proof of the accuracy of the premises here established, and the conclusions drawn from them. "It being incompatible with the interests of the Empire of Brazil and those of the Kingdom of Portugal, for me to continue to be King of Portugal, Algarves, and the Dominions thereof, &c. I have thought proper, from an impulse and free will of my own, to abdicate and yield up, all the indisputable and inherent rights which I hold to the Portuguese Monarchy, together with the Sovereignty of the aforesaid Kingdoms, to the person of my dearly-beloved and highly-valued Daughter, the Princess of Gran Pará," &c.

If it were "incompatible with the interests of Portugal and Brazil," for Dom Pedro "to continue to be King of Portugal and Algarves and the Dominions thereof," for any further time, it was equally so that he should have been such, for one entire week; but, when he seeks to reconcile this inconsistency and remove this "incompatibility," by appointing "the Princess of Gran Pará" in his stead, (a style and title almost for the first time made

known to Europe ; evidently foreign to the Laws of Portugal, and unknown even to the ears of the Portuguese) he clearly falls into a greater inconsistency, a more palpable " incompatibility," than the one which he sought to remedy. The first act of Abdication, as well as the second, which followed on the 3rd of March, 1828, was evidently intended to operate in Brazil, and not in Portugal. This is perhaps the most original document that ever issued under the sign manual of any Sovereign, and, as such, must be here inserted.

**DECREE.** " The time having arrived which my High Wisdom had marked, in order to complete My Abdication to the Portuguese Crown, conformably to my Letters Patent of the 3rd of May, 1826 ; and it being extremely expedient to give to the Portuguese Nation, ever jealous of its own Independence, an indubitable proof that I wish to see it perpetually separated from the Brazilian Nation, (of which I have the distinguished glory and pride to be the Sovereign) in such a manner as may render even the idea of any reunion impracticable ; I have thought proper, of my own free and spontaneous will, after taking this important matter into due consideration, to Ordain, as by this my Royal Decree, I do Ordain, that the Kingdom of Portugal be governed in the name of my much beloved and esteemed Daughter, Queen Mary, the Second, already previously the Queen thereof, conformably to the Constitutional Charter by me decreed, bestowed, and commanded to be sworn to, and now sworn ; and I further declare, most expressly, that I have no more pretension, or right whatsoever, to the Portuguese Crown and Dominions



thereof. The Infante Dom Miguel, my much beloved and esteemed Brother, Regent of the Kingdoms of Portugal and Algarves, and in them my Lieutenant, is so to understand the same, and cause the present to be published and executed. Palace of Boa Vista, this 3rd of March, 1828—Signed with the sign manual of His Majesty the King.

A striking peculiarity in the preceding document, is, that, notwithstanding the previous act of Abdication, and the stipulations of his own Constitutional Charter, to the contrary, Dom Pedro, so late as the 3rd of March, 1828, exercises, or rather attempts to exercise, the attributes of sovereignty, in the character of King of Portugal. This act, it would seem, was intended to "complete his abdication," and on the strength of it, the Portuguese residing in London, by notice and by circulars, were invited to take the oath of allegiance to the Princess of Gran Pará, under the title of "Queen Mary the Second."\* By a circular, addressed to the various Brazilian Legations in Europe, dated May 30, 1828, and signed by the Plenipotentiaries of His Imperial Majesty in London, it

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\* ANNUNCIO. Achando-se completada a Abdicação da Coroa, pelo Senhor D. PEDRO 4º a favor de Sua Augusta Filha, A Senhora Donna Maria 2ª ora Rainha Reinante de Portugal, na conformidade do que foi estabelecido pela Carta Constitucional de 29 de Abril de 1826, a qual a nação Portuguesa jurou solemnemente guardar e cumprir, participase por esta Embaixada aos fieis Subditos de Sua Magestade Fidelissima, ora existentes nesta Cidade, que no dia doze do corrente, depois da Função Religiosa que ha, e ter lugar na Capella, se receberá a ratificação do Juramento de fidelidade, ja implicitamente prestado A Mesma Augusta Senhora; lavrandose na presença do Embaixador de Sua Magestade Fidelissima pelo Secretario d'Embaixada, hum Termo d'este solemne acto, na forma praticada em semelhantes occasiões. *Londres, 7 de Outubro, 1828.*

had, however, been declared, that the notification of the preceding act of Abdication was deferred, in consequence of the recent changes, which had occurred in Portugal, being opposed to the conditions which it enjoined. The *auspicious* arrival of the Princess of Gran Pará, in Albemarle Street, had, however, altered the case, when a master-mind gave notice that the abdication was "completed," and consequently the oath of allegiance ought to be taken to the Sovereign appointed in the act. Portugal was thus still destined to receive laws from Rio de Janeiro, or London.

So extensively organized was the plan to prevent the People of Portugal from having any voice in their own affairs, or applying the national laws to the singular predicament in which they were placed by the death of their late Sovereign, John VI. and the independence of Brazil, that the Marquess de Palmella, as early as the 7th of Dec. 1826, addressed a diplomatic note to Mr. Canning, as minister of Foreign Affairs, demanding "in the name of H. M. F. M. that England should guarantee the Succession of the Crown of Portugal in the person of his Son and legitimate heir, the Emperor Dom Pedro," in which he uses the following curious argument. "It is unquestionable that the silence observed in the Treaty of the 29th of August, (1825) with respect to the Succession to the Crown of Portugal, cannot, in any manner prejudice the right which His Majesty, the Emperor, derives from his birth to the inheritance of his august Father," &c. The officious envoy had thus discovered, that the Crown of Portugal was an inheritance that descends from Father to Son, like a:

“pigstye or laystall,” and the aid of the British government is required to give efficiency to the entail! Further on, the active diplomatist reminds the minister of H. B. M. of the State considerations which bind the interests of England to the conservation of the two Crowns of Portugal and Brazil in the same line of the Royal House of Braganza,” &c. The answer to this diplomatic note was never published, so that the specific sentiments of the British cabinet upon its contents, are not known, or recorded; but, the writer might be asked, what “State considerations,” or what right and authority could induce the government of His Britannic Majesty to interfere in an affair of the utmost delicacy and importance, on which the Portuguese alone, as an independent nation, were empowered to sit in judgment? What treaty, or political bond, could lead the British government to uphold an act of injustice; or become a party to a systematic plan of usurpation, intended to benefit a faction, aiming at power? The appeal was, however, judiciously, nay, dexterously, made. The foreign minister was told, that “besides the motives suggested by political interests, there were others, identified with good faith and the point of honor, of which the Cabinet of London most assuredly could not lose sight, when it became necessary to take the last indispensable step for the accomplishment of a negotiation, concluded conformably to its own wishes and under its own auspices, and which, without this necessary step, far from conducing to the end proposed, of reestablishing peace between the two parts of the ancient Portuguese monarchy, would leave the intentions of the venerable Sovereign, who lent him-

self to the counsels of his ancient and powerful ally, in a state of perplexity and, after his death, threaten Portugal with dissensions, the result of which it would not be easy to foresee."

The duty of "guaranteeing the Succession to Dom Pedro," is thus required of us, as a return for the pliability with which the late venerable monarch of Portugal complied with our wishes, in acknowledging the Independence and Separation of Brazil! and this strong and powerful appeal is, besides, addressed to the very man who had been most instrumental in obtaining the royal sanction to a transaction, which it was then no longer within the power of either England, or Portugal, to control. It was not, however, this act of condescension on the part of the Portuguese monarch, that endangered Dom Pedro's rights to the throne of his ancestors. These rights he had formally and irretrievably lost, long before, by placing himself at the head of the Brazilian revolution, and, when this was achieved, by accepting another crown and surrendering up all claim and title to that of his father, by the solemn and counter pledges repeatedly made to his new subjects in the Western World. In the Treaty of Independence and Separation, to which the Marquess alludes, certainly no mention is made of the "Succession of the Crown of Portugal;" evidently, for the best possible reasons. Both King John VI. and his Ally, who was an immediate party to this Convention, felt that this was a subject on which they were not competent to pass an opinion. They concluded that it was necessary for the laws to take their own course. It was not for them either to abrogate, or interpret those laws,

and it so happened that the Marquess de Palmella was not at their elbow to do it for them. John VI. at the time he agreed to the Treaty in question, was in his 59th year, and subject to all the casualties of life. If he had wished to prevent that "perplexity and those dissensions" which the noble diplomatist foresaw and wished that the British government should counteract, he would at least have explicitly expressed his intentions and wishes respecting the Succession to the throne, in a solemn document, as other Sovereigns had done before him, leaving it to the Portuguese People to accept, or reject them. Such a step, on his part, was the more to be expected, as the monarch, both long before and at the time of his last illness, was surrounded by the immediate partisans of Dom Pedro, and consequently the enemies of the Prince, standing in the next line of Succession, and who had been carefully sent away, and at the time a State prisoner at Vienna. It is natural to suppose that, after the early and extensive preparations made; when so much was at stake and so many persons would lose their power and influence, by any change in the line of succession; nay, when the artifices and intrigues which usually work round the bed of a dying monarch, are considered, it is more than probable that the very strongest efforts were made to supply the defect in the Treaty, of which the Marquess complains, and to wrest from the feeble monarch a distinct Declaration, in order to prevent future doubts and uncertainties. Under such peculiar circumstances, that he did not commit so flagrant an act of injustice; that he remembered his own oath, by which he had bound himself to keep the liberties, charters and en-

franchisements of his people, and had the courage to resist the intreaties and solicitations of those who surrounded his pillow, is the proudest panegyric that can be uttered to the memory of the late monarch of Portugal. The most that was then wrung from him, in those awful moments, was a decree, appointing a Regency, intended "to govern the Kingdom during his illness, and also to serve, in case God should be pleased to call him to his holy Glory, until the legitimate heir and successor to the crown should have adopted his own measures, in this respect," &c.\* The just and upright sovereign does not here say who that "legitimate heir and successor" is,—evidently, from the caution used, this important and arduous question preyed heavy on his mind, sincerely and warmly attached to his people, as he was; but the award he left to the laws of his country.

The same intrigue was actively going on at Vienna. The Emperor Francis had always been anxious that his daughter should sit on the throne of Portugal, and in order to connect himself more intimately with the Braganza Family, he early formed a project of a double marriage, in consequence of which it was agreed that his daughter, Leopoldina, should be received without a dowry, engaging, at the same time, to take a Portuguese Princess for a member of his own family, under the same circumstances. The latter part of the compact was never carried into effect; but, the Emperor of Austria has always been considered as a calculating and thrifty monarch, as

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\* This Decree is dated the 6th of March, and consequently only three days previous to the Monarch's death.

far as the interests of his family were concerned, and Prince Metternich has been known for one who was ever ready to second his master's views. The close Alliance which had been concluded between the Royal Family of Austria and the House of Braganza, of course, gave to the Emperor Francis an immediate voice in every great political question that affected the interests of either Portugal, or Brazil, and when the Independence and Separation of the latter became the topic of diplomatic negotiation between the several courts of Europe, his opinion was in due course required. Then, it was, that the Emperor Francis conveyed his own sentiments on the subject to his Allies, and through the medium of Prince Metternich, transmitted a despatch, containing his views and instructions on the subject, to Baron de Binder, employed on that occasion, of which the following is a literal extract.

“ D'après toutes les notions que nous avons recû du Rio de Janeiro, il ne nous paraît pas douteux que les hommes les plus influents de ce pays—que la majorité prepondérante de ses habitants ne s'opposerait pas à un pacte fédéral entre les deux Royaumes. Dès lors il serait facile d'établir par une loi de famille l'hérédité des deux Couronnes dans les deux branches de la maison régnante, et la succession réciproque, au cas que l'une ou l'autre venait à s'éteindre. Indépendamment des avantages qu' une pacification fondée sur un pacte pareil assurerait à la maison de Bragança, elle auroit encore celui de conserver et de consolider le principe monarchique dans le plus vaste état de l'Amérique Meridionale—avantage inappréciable dans la conjoncture présente ; incalculable dans l'in-

fluence qu'il pourrait exercer sur l'avenir ; d'une importance infinie pour l'ancien monde, en général, et dont le Portugal recueillerait plus directement les fruits, que tout autre gouvernement Européen.

“ C'est ainsi que de nôtre point de vue nous envisageons la crise actuelle, et S. M. T. F. ayant sagement et genereusement déclaré qu'elle ne voulait point employer la force des armes pour faire valoir ses droits au Brèsil, il nous seroit difficile de croire que les Ministres éclairés de ce Monarque, ne partageroient au fond de leurs ames, l'opinion énoncée ici avec une sincérité qui ne sauroit leur déplaire.

“ Nous ne nous dissimulons pas que les dangers qui menacent le Brèsil tiennent à des causes que la pacification sur quelque base qu'elle ait lieu, ne feroit pas entièrement cesser ; mais il est évident que l'état actuel des rapports entre les deux Royaumes, l'irritation réciproque, la disposition hostile des esprits qui en est la suite, augmentent ces dangers de tout leur poids : tandis que le rétablissement de la paix, suivi de l'adhésion solemnelle des puissances Européennes accroitroit indubitablement les chances de conservation, tant pour la maison de Bragance que pour le système Monarchique au Brèsil. Ce n'est pas non plus au hazard des événements que nous voudrions voir livrées les résolutions généreuses de S. M. T. F. et cette pacification qui nous paraît si désirable. Nous regarderions au contraire comme indispensable que l'acte qui en réglerait les conditions, renfermât une stipulation expresse, declarant que la totalité de ses dispositions est inséparablement liée au maintien du gouvernement monarchique dans la maison de Bragance, et que si par de nouveaux bou-



leversemens quelconques cette condition fondamentale venait à manquer au Brésil, le Portugal seroit des lors autorisé à considérer l'ensemble des dispositions stipulées par cet acte, comme nul, e de nul valeur.

“ Dans cette même supposition, les autres puissances alliées ne tarderoient pas à reconnoître un arrangement auquel S. M. T. F. auroit consenti librement, et à garantir les stipulations qu’ à la suite d’une révolution désastreuse maintiendroient encore les droits, et assureroient les destinées futures de son Auguste Maison. Si le gouvernement Portugais jugeoit de son intérêt d’adopter la marche sur laquelle nous venons de nous expliquer, l’entrevention de toute autre Puissance deviendrait à notre avis superflue ; car le principe de la séparation des royaumes une fois admis, les autres articles de la pacification ne rencontreroient plus des obstacles insurmontables. Si toute fois dans cette hypothèse la cour de Lisbonne, soit par un sentiment de convenance, ou de délicatesse ; soit par quelque autre raison qu’elle nous feroit connaître, repugnoit à prendre elle même une initiative pénible et désiroit l’entremise de l’Autriche pour préparer les voies de la pacification, S. M. I. seroit prête à lui offrir tous les bons offices en son pouvoir. L’Empereur, fidèle au principe de ne pas entamer d’affaires importantes sans en prévenir les souverains au quels il est intimement lié, s’appuyerait dans ce cas du suffrage de ses augustes alliés, mais il ne s’empresseroit pas moins de servir les intérêts de S. M. T. F. de tous les moyens qu’il croiroit praticables, et en partageroit sincèrement avec ce Monarque les peines que cette transaction

devroit lui faire éprouver ; il se féliciteroit encore de pouvoir lui adoucir l'amertume.

S. M. l'Empereur a rendu hommage à ces principes, chaque fois que l'occasion de les proclamer s'est présentée, et il ne cesse de les respecter irrévocablement. L'Empereur ne reconôit à ni la séparation définitive des deux royaumes, ni la Souveraineté du Prince Régent sur le Brèsil, ni aucun autre qui en dérive, avant que ces changements aient été admis, ou sanctionnés par S. M. T. F. Cette déclaration ne laissera aucun doute au cabinet de Lisbonne sur l'esprit qui a dicté la présente dépêche, et mettra en son vrai jour les observations qu'elle renferme."

This production, which may be considered in Prince Metternich's best style, evidently conveys the idea, that the men of most influence in Brazil—the preponderating classes, in the opinion of the Vienna cabinet, would be favorable to "a federal compact" between Brazil and Portugal, on the death of King John VI.; or, in other words, that there would be no objection to secure the two crowns in the same line of Succession, by establishing a "*loi de famille* for the regulation of the inheritance," in case either one of the two branches, intended to sit on the old and new throne, should become extinct, when it was projected that the surviving one should fill the vacancy. This family compact, most assuredly, would have been completely at variance with the Constitutional laws, both of Portugal and Brazil, however consonant it might be to the feelings of a parent ; but, in pursuing the plan for the settlement of the new dynasty in Portugal, a difficulty occurred as to the manner in which it was to be done, to the

faction of all parties. It was evident that Dom Pedro could not wear the crown of Portugal, for a moment, for reasons already explained, and if it decided to his Brother, the Infante Dom Miguel, as the laws awarded, Dom Pedro's issue, by an Austrian Princess would thus be excluded—the very object, of all others, against which it was wished to proceed. The expedient of allowing the crown to devolve to Dom Pedro, was therefore hit upon, and it was thought that, by an act of Abdication, the right might be subsequently vested in his Daughter, who would thus become the royal stock and foundress of a new dynasty; and, in order to save appearances and prevent disputes, her marriage with Dom Miguel, who, in the mean while, was kept a close prisoner at Vila Rica, was arranged, whereby the avenue to the throne was opened to him, in the right of the party to whom it was to be betrothed. Besides these Family arguments, it however became necessary to satisfy the Portuguese nation, when, as a lure, the Constitutional Charter was granted, under a confident hope that it would prove acceptable, and be considered as a kind of peace-offering. Prince Metternich, in fact, had taken the Succession to the Crown of Portugal entirely under his own care, and on the 27th of March (1826) that is, as soon as the news of John VI's death reached Vienna, in his master's name, wrote a Circular, addressed to all the Ambassadors of His Imperial and Royal Majesty at the several foreign courts, urging the acknowledgment of Dom Pedro, which, among the rest, was incautiously done by the government of H. B. Majesty.

The first notification made by the Emperor to the

National Assembly of Brazil, respecting the affairs of Portugal, was on the 6th of May, 1826, in his speech at the opening of the Chambers, which he did in the following remarkable words. "On the 24th of last April, the anniversary of the embarkation of my Father John VI. for Portugal, I received the melancholy and unexpected news of his death, when the most poignant grief siezed on my heart. The plan which I was bound to follow, on finding myself, when I least expected it, the Legitimate King of Portugal, Algarves and the Dominions thereof, suddenly occurred to me. Grief and duty alternately swayed my breast; but, laying all aside, I looked to the interests of Brazil—I kept my word—I wished to sustain my honor, and I proceeded to deliberate on what I ought to do, to promote the happiness of Portugal, which certainly it would have been indecorous for me not to have done. How great was the the affliction which rent my heart, in seeking the means of bestowing felicity on the Portuguese nation, without offending that of Brazil, and of separating them, (notwithstanding they are already separate) so as that they may never again become united! I confirmed in Portugal the Regency which my Father had created; I gave a Constitution; I abdicated, and yielded up all my indisputable and inherent rights which I held to the Crown of the Portuguese Monarchy and the Sovereignty of those Kingdoms, to the person of much beloved and esteemed Daughter, the Princess Donna Maria da Gloria, now Queen of Portugal, Mary the Second. This, it was my duty to do, for my own honor and the welfare of Brazil. Let some of those still incredulous Brazilians thus learn to know

; they already ought to have done) that the interest  
 which I feel for Brazil and my attachment for her In-  
 dependence, in me are so strong, that I abdicated the  
 crown of the Portuguese Monarchy, which by indis-  
 putable right belonged to me, merely because it  
 might hereafter implicate the interests of Brazil, of  
 which country I had become the Perpetual Defender.”  
 Nothing can more clearly and more authentically  
 show the relative situation in which the Emperor  
 stood towards the Brazilians; or the nature of the  
 obligations by which he was bound to them, at the moment  
 of his Father's death, than the passage of his own  
 speech, above quoted. He himself acknowledges  
 that, consistently with his previous engagements—  
 his solemn pledges, he could not become the monarch  
 of the two countries, without forfeiting his honor;  
 ; he hits on an expedient to reconcile these discre-  
 pancies, and placing the crown of Portugal on his own  
 head, for a week, like another Fortunatus' cap, he  
 readily pursues the plan, already fixed upon.  
 It ought here to be remarked, that the above com-  
 munication was received by the Brazilian Chambers,  
 in silence, and no notice whatsoever taken of it. The  
 treaty has not since been renewed to them; nor is  
 there an act, or measure, relating to Portugal, which  
 the Emperor has resolved upon, that has either been  
 submitted to, or received the sanction of the Brazilian  
 Legislature, or the authority of the Government.  
 From the very first, the Brazilians declined having  
 anything to do with the affair, and their reasons are  
 obvious. They considered the Succession to the  
 crown of Portugal, as a private Family question, in  
 which they could not be called upon to interfere.

Hence is it, that all the Emperor's acts, in reference to Portugal, bear only his own signature, and that of his private Secretary.

Notwithstanding the act of Abdication and the other declarations by which it was followed, to the astonishment of every one, the Emperor continued to exercise the attributes of sovereignty, in reference to Portugal. By a decree, dated Rio de Janeiro, Jan. 29, 1827, the Emperor of Brazil, ordained that, for purposes of economy, "Portugal should only have an ambassador at the Court of Brazil, and Envoys Extraordinary and Ministers Plenipotentiary at the Courts of London, Madrid and Paris; that at the Courts of Vienna, Brussels, Berlin, St. Petersburg, Rome, Turin, Naples and the United States, there should only be Chargés d'Affaires employed, and at those of Stockholm and Copenhagen merely Consular Agents, &c." By another decree, bearing the same date, he further ordained, "that the Council of State in Portugal should be composed of ten members," and he then proceeds to name and appoint them himself. Some other appointments were also made by him, completely at variance both with his act of Abdication; the pledges made to the Brazilians, as well as the express conditions of his own Constitutional Charter, of which he himself thus became the first violator.

In the mean while, the Infante Dom Miguel was retained at Vienna, contrary to his own wishes, and without any will of his own. The only persons near him, were deeply and actively engaged in the conspiracy, contrived with a view to strip him of his hereditary rights. He was indeed a mere passive

ing, in the hands of Prince Metternich and the parsons of Dom Pedro. Conformably to an arrangement made by the Baron de Villa Secca, the Brazilian Envoy, and the Austrian Cabinet, Dom Miguel was called upon to take the oath to the Constitutional Charter, which was done on the 4th of October (1826) and on the ensuing 29th of the same month, in the presence of the Emperor Francis, the ceremony of the nuptials between the Infante and his niece, in the character of Queen of Portugal, also took place.— Fresh difficulties having subsequently arisen in the Lisbon Regency, Dom Pedro, by another act of sovereignty, appointed Dom Miguel to be his immediate Representative in Portugal, by a Decree, dated 1st of July, 1827, in the following words:—

“ For many and powerful motives, worthy of my royal consideration, &c. and taking into my royal consideration the intelligence, activity and firmness of character of the Infante Dom Miguel, my much-loved and highly-esteemed Brother, I have thought proper to name him my Lieutenant, in my stead, by granting unto him all the Powers which, as King of Portugal and Algarves, belong to me,” &c. This, in reality, was the Prince’s passport to quit Vienna, for had his services not been thus required in Portugal, it is more than probable that he would still have been under the care of the *hospitable* Francis. In a word, it is more than presumable that he quitted the Austrian Capital, well charged with sermons and injunctions from the considerate grandfather, and doubtless now seeing his prison door open, the Prince readily pledged obedience to the commands of his benefactor and future relative. He was provided with a travel-

ling *cortege*, and so great was the care taken of him ; so extensive the conspiracy formed, that before he reached Paris, all the Portuguese who were known to have advocated his immediate right to the Succession, were removed by the police from the French Capital, in order that he might not hear a whisper against the Family arrangement, made for him by his good friends, or be contaminated by the approach of men who had risked their lives in his cause.

On the 29th December (1827) His Royal Highness, Dom Miguel, arrived in London, and on the 22d of the ensuing February reached Lisbon. His reception, by all classes of the people, it is universally acknowledged, was the most enthusiastic. A peculiar interest had, during his absence, been excited in his favour. His youthful aberrations were forgotten, and, in the interval, it had been discovered, that he had been made the victim of a foul, but powerful, intrigue.—The Portuguese had besides seen, from late experience, that it was impossible to be governed by a power, placed at two thousand leagues distance from them ; or that institutions, derived from an illegitimate authority and opposed to their own national laws and habits, ever could become popular and permanent.

It must here be observed, that the various transitions through which the Portuguese have passed, since the year, 1808 ; the whole of the revolutions, changes, and political experiments which their country, subsequent to that period, has experienced ; with all the preaching and training bestowed upon the people, have not produced on the public, speaking as a body, the smallest wish to alter their laws, customs, or habits ; or in the least weakened their attachment to



the members of the reigning Family. After all the Constitutions, Charters and plans of Reform, enacted for, or bestowed upon them, all which have disappeared, as the rising sun chases away the atmospheric vapours of the earth, they gave a preference to their own ancient Statutes and Fundamental Laws. They were besides sensible that they had long been made the dupes of designing and self-interested demagogues. Reflection succeeded to the fever of popular violence, and the force of national honour and national pride, reminded them that they had a country of their own, and that this country possessed laws which answered the best purposes, during a period of more than 700 years. They also felt indignant at the idea of receiving new and imported ones, from a half civilized country, which lately stood in the rank of a Colony to themselves.

Family prejudices, it is well known, are strong in Portugal, and the Nobility there form a powerful and highly privileged class. The primitive nobles, by their services and sacrifices, had obtained distinctions, even from the First Alonzo, which, in the name of his successors, he swore to keep. Some of them, derived their hereditary rights and distinctions from acts of heroism performed on the plains of Ourique, as well as on those of Aljubarrota, whilst the ancestors of others were conquerors in Africa and the East Indies. As the Commonwealth of Europe is, at present, situated, the distinctions of rank and honour are deemed essentially necessary to the regulation of a State, and those distinctions once bestowed upon persons who have deserved them, cannot be revoked without a flagrant act of injustice. A laudable ardour

and generous emulation is thereby excited in others, of which the community at large reaps the benefit. These distinctions, in so mixed and compounded a Constitution as that of Portugal, serve to support both the rights of the crown and people; besides adding to the stability of the government. In Portugal, particularly, the nobility and privileged classes are pillars, without which the monarchy could not stand. Dom Pedro, however, selects a number of nobles, as it were, according to his own whim, and converts them into a House of Peers, leaving the rest to be confounded with the other orders of society. The parties, so unjustly excepted, naturally became opposed to the new Institutions, and, for similar reasons, they were joined by the clergy.

After the Cortes, the Municipallites to which the name of *concilium* was given, a distinction, (*conselho*) still retained, were corporate bodies in Portugal, entrusted with extensive and well regulated powers, to watch over the administration of justice, the execution of the laws and the collection of the revenue, in those districts over which they presided. They had the management of all civil and administrative matters, and were alike the immediate agents of the government, and the organs of the people. These bodies were found so useful, that they were endowed with many privileges, of which the proud proofs are still preserved in their respective archives. Among these privileges, perhaps the right to return Delegates to the Cortes, was one of the most important, and of this right the Charter entirely deprived them.

These few facts may be sufficient to shew, that the new Code could not be very popular in Portugal,

t the time Dom Miguel landed there. Hence was he immediately hailed by numbers as the King, and certainly, at the moment, had he been chosen to assume the regal power, the great body of the people would have supported him, as they have since done. He had only to demand the application of the national Laws. By the Statute of 1641, he became the *hæres natus*, from the moment the elder brother had made his own choice. That right was then vested in him, by a title, equally as strong and valid, as if Dom Pedro had died without issue. As with us, there is no interregnum, in Portugal; there also the crown does not demise. Dom Pedro being taken away and disabled from ever again claiming his forfeited hereditary rights, on the immediate death of the king, last in possession of the throne, *eo instanti—ipso jure—* the right devolved to the next line of succession, and by all the fundamental laws of the land was constitutionally vested in Dom Miguel. He became the heir of the royal stock that first acquired the crown, and so the Three Estates of the Realm, subsequently declared, as may be seen from their Resolution, dated July 11, 1828, and found in the Appendix E, a document of which more particular notice will be hereafter taken.

The Prince, it has already been remarked, was received with every possible demonstration of joy. From the instant he landed, he was hailed as sovereign, by numbers, almost at the risk of their lives. His reception was not such as that which Philip II, in former times, experienced from the Lisbonians; or General Junot, in our own days. The indications on the part of the people in his favour, were in

fact too strong to be mistaken. Nevertheless, he pursued the course traced out for him by his advisers, and administered the government according to the powers with which he had been invested. He was, indeed, at the moment, hurried along a stream, against which he was unable to contend. Gradually, however, as public opinion became more formed upon the subject, addresses from the corporate bodies, civil, military and ecclesiastical, in every part of the kingdom, came pouring in, praying him to assert his own rights to the throne. The Senate, or Municipality of Lisbon, urged him to do the same; and a Memorial, signed by 2 Dukes; 13 Marquesses; 39 Counts; 7 Principals; 2 Priors of the Military Orders; 12 Viscounts and 8 Barons, constituting the principal part of the Nobility, prayed him, "immediately to assemble the Three Estates of the Realm, according to the ancient usages and customs, in order therein to treat, legitimately, of a matter of such importance as that of solemnly acknowledging His Highness' rights to the Crown of Portugal, and abolishing the Constitutional Charter," &c. This document will be found under the head of F, in the Appendix.

In the situation in which the country was, at the time, placed, no other alternative was left than the Convocation of the Cortes, Dom Miguel having waved his rights, until they were properly investigated by the only competent tribunal that could be assembled in the kingdom. In consequence whereof he immediately passed a decree, of which the following is a literal translation.

"Owing to recent events, the necessity of convening the Three Estates of the Realm having greatly

creased, as previously acknowledged by my King and Father, (to whose soul God give rest) in his Letters Patent of the 4th of June, 1828; and wishing to satisfy the urgent remonstrances on this subject addressed to me by the Clergy, Nobility, Tribunals, and all the Municipalities, I have been pleased, after consulting learned persons and others zealous in the service of God and the welfare of the Nation, to convene the aforesaid Three Estates of the Realm, at the City of Lisbon, within thirty days from the date of this my Letter of Convocation, in order that, in a solemn and legal manner, conformably to the usages and style of this Monarchy, and in the form practised on similar occasions, they may investigate the application of weighty points touching Portuguese Law, and by this means restore concord and public tranquillity, so that all the important Affairs of the State may become settled and take a good direction. My Council of Ministers is so to understand and execute the same. Palace of our Lady Ajuda, this 3rd of May, 1828." The corresponding writs for the meeting of the Three Estates of the Realm, were consequently issued in the regular way.

In the early pages of the present Inquiry, it was stated that King John VI. formally avowed both the expediency and the necessity of reviving the Statute Laws of the Realm, as the only proper and legal basis on which a Charter, or National Code, could be founded. This fact, at the time, was acknowledged by his ministers, and to the late King's plan of convening the Cortes, it is, that the preceding decree alludes. This, however, is not the first instance, in our own days, of an attempt to call together the

Representatives of the Portuguese People, in a Constitutional manner. After the departure of the Royal Family for Brazil, and when Portugal was completely in the hands of the French, an address was presented to General Junot and the authorities then administering the Government of the Kingdom, by the *Juiz do Povo*, in the name of and on behalf of the Corporate Bodies of Lisbon, praying for a "Constitution whereby the Representatives of the Nation were to be elected by the Municipal Chambers, in order," says the address, "that we may conform ourselves to our ancient usages." Another Address, of a similar nature, was at the same time presented to the French authorities, signed by nearly all the Nobles, Church Dignitaries, Judges, &c. then in Lisbon, and on the strength of these two Memorials, a *Junta*, or Committee of the Three Estates of the Realm, was formed of members, chosen by the principal Municipalities, of which the Marquess d'Ega was appointed President. The duties of this *Junta* certainly were only administrative; but the mode in which the members were elected, as well as the name given to the Assembly, was evidently a revival and an acknowledgment of a leading principle in the Constitution of Portugal. During the exigencies of the war which succeeded the accession of John IV. to the throne, a Committee, named by the Cortes and representing the Three Estates, was deemed necessary, in order to obtain and administer the supplies required. It is most probable that the French, who then stood in need of all the moral power they possibly could call forth, saw the necessity of gratifying the Portuguese, by reviving the ancient institutions, and perhaps

to take the model of the *Junta* which they then ordered to be assembled, from the historical record just mentioned.

The next remarkable instance was, on the breaking out of the Oporto Revolution, in 1820. The Government, at the time, was administered by a Regency, composed of the Cardinal Patriarch; the Marquess of Borba; the Count de Peniche; the Count da Mira and Antonio Gomez Ribeiro, who sent a formal notification to the Oporto Junta that the Cortes were convened. This curious document, (found in the appendix G) declares, that the Regents "have put in force the extraordinary powers vested in them by the King, for urgent occasions, and acting as the interpreters of his paternal sentiments, have resolved, in His royal name, to convoke the Cortes." This paper was dated the 9th of September, (1820) and on the previous 11th of the same month, a Proclamation appeared, signed by the Regents, in which they make it known that, "by virtue of the extraordinary powers, granted them by their instructions, in urgent cases, after hearing the opinions of a great number of persons of His Majesty's Council, and conspicuous among the various classes of the nation, they had resolved, in the name of the King, to convene the Cortes, by immediately appointing a Committee, destined to proceed with the labours, necessary for the early meeting of the said Cortes," &c.

The preparatory arrangements being made, Circulares, or Writs, were issued to the various Municipalities. Subjoined is a translation of the one transmitted to the Corporation of Lisbon. "President, Aldermen and Delegates of the Corporate Trades

thereof. The King, Our Lord, through the Governors of his Kingdoms of Portugal and Algarves, salutes you. Having already announced the necessity there is, in the present urgent circumstances, of convening the Cortes, in order therein to treat of, and discuss with the Three Estates of the aforesaid Realms, matters, extremely important to the service of God and our aforesaid Sovereign, as well as the welfare of his People, We have determined, in his royal name, to convene them in this City of Lisbon, for the 15th day of November, in the present year, 1820. In consequence of which, as soon as you see these presents, we strongly recommend to you to elect two Delegates, possessing the qualities and circumstances which, for a similar act, are required, who are to come, invested with adequate powers (as was always the usage and custom) in order that with them, and the other Delegates of the cities and towns, whom we also command to come to the aforesaid Cortes, therein to perform, communicate, and in every respect, establish what may appear most conducive to the aforesaid objects; and they will further bring with them any other suggestions which may appear to you most interesting to the general welfare of the nation; and particularly to that of this City; and the said Delegates will present themselves, in due time, to the Department of the Kingdom, where they will exhibit their said powers," &c. This measure was afterwards approved of and sanctioned by the King; but, when his determination reached Lisbon, on the 26th of December, 1820, the Regency had been superseded; the democracy had gained the ascendancy, and it was too late to deliberate on the manner by



which the ancient Institutions of the Realm could be revived.

On the 24th of February, (1821) when the nature and extent of the Revolution which, in the interval, had occurred in Portugal, were perfectly understood at Rio de Janeiro, King John VI. as noticed in the early pages of the present Inquiry, issued a Royal Decree, by virtue of which, he ordained, that the laws and institutions of Portugal, not being equally applicable to the Kingdom of Brazil and other Ultramarine dominions, he ordered the Representatives of the Municipalities of Madeira, Açores, Brazil, &c. to assemble at Rio de Janeiro, there to deliberate on the alterations and amendments which might be expedient to make in the Constitution, adopted by the Cortes of Lisbon," &c.

The late King, John VI. on several occasions, expressed the greatest anxiety for the meeting of the three Estates, and as early as the 18th of June, 1823, that is, eighteen days after the democratic constitution had been put down, and when in full possession of the Sovereignty of Portugal, he appointed a Junta, or Committee, as the royal decree states, "in order to prepare the Project of a Charter, or Fundamental Statute, conformable to the ancient usages, opinions, and habits of the nation, and regulated by the soundest principles of public law, on which the Monarchy, pure and independent, was established and moderated by wise and just Statutes," &c. On the 4th of June, 1824, when the labours of that same Committee were completed, and all the vicissitudes of revolutionary governments over, the well-meaning monarch issued his Letters Patent, whereby

he declared, "that the ancient, true, and only Constitution of the Portuguese Monarchy, should be restored, and ordered the Three Estates of the Realm to be forthwith called to Cortes." This memorable document, which will ever stand as a proof of the correct feeling of the Monarch, at the same time that the non-execution of so judicious a resolve, will always be considered as an evidence of the weakness of his character, as a Sovereign, deserves particular notice in this place.\*

The King, having, in his previous decree (18th of June) manifested his intention, "that the Charter of

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\* John VI. was certainly one of the most timid and irresolute men who ever sat upon a throne; although extremely good-hearted and humane in his disposition. This want of firmness of mind, so lamentable in a reigning monarch, particularly in turbulent times, prevented the king from doing many interesting things, which he had the good sense to project, in concert with his ministers, and often rendered him the dupe of designing courtiers. His natural timidity of character, is thus described by an observant foreigner, speaking of the manner in which the Portuguese Constitution was proclaimed at Rio de Janeiro, in 1821. "It was a memorable sight, which cannot be easily obliterated from the writer's mind, and may excuse the present digression, to see the enthusiastic population of Rio de Janeiro, loosening the carriage traces of the mild-tempered John, and conducting him to his palace, from the balconies of which, almost lifeless with fear, he scarcely could articulate—'The Constitution for ever'—in order to satisfy the impatient desires of the people. A panic had, in fact, seized on the good King, who already fancied himself on the scaffold, like another Louis XVI., of unfortunate memory. From that day, he no longer beheld, at Rio de Janeiro, a cheerful sky; a mild climate; the perpetual verdure of the surrounding mountains; or enjoyed those delicious fruits to which he had been accustomed. The tranquil demesnes of St. Christoval, late the scene of his innocent pleasures, to his imagination, became transported into a theatre of pain and tribulation. In every black and swarthy face, he fancied a foe, and he forsook that Continent which had been his refuge from the tyranny of Buonaparte." Vide Narrative of Facts relating to Dr. Francia.

fundamental Law should be accommodated to the form of the Representative Governments established in Europe, as well as to the mutual relations of the different parts of the Portuguese Monarchy, he meant that there should be a National Representation, yet was to be in harmony with the principles previously laid down." The monarch then proceeds to say that, "Having, with deep and mature reflection, meditated on an affair of such great moment, and observing so that the above are the principles which formed the ancient Constitution of Portugal, in which was found the most wonderful concert and the most wise combination; the experience of so many ages having on all sides proved the incalculable advantages which therefrom resulted to the Portuguese Nation; Finally, reflecting that, according to the maxims of the most experienced politicians, no form of government can be useful to a nation, that is not strictly conformable to its character, education and ancient usages; and that it will ever be extremely dangerous, as well as almost always impracticable, to attempt to introduce any other system, or to wish to reduce to a general custom the particular habits and usages of a nation, was of opinion that it was not expedient to demolish the noble and respectable Edifice of the ancient political Constitution, founded on wise and settled laws and traditions, and which is besides sanctioned by the oath which all the Sovereigns of these Realms take, and which I myself took, to maintain the Rights and privileges of the nation,"

The King goes on to say that, "As by convening the ancient Cortes and maintaining the ancient Con-

stitution, it was evident that the ancient habits, opinions and usages of the Portuguese Nation would be preserved; that the Majesty and Grandeur of the Throne would remain unimpaired, in all its rights; that in the same Cortes there existed a truly National Representation, in which the People are represented by their Delegates; the Clergy and Nobility, by those of their own Class, entitled therein to vote, and finally, that it would promote the public felicity, not by new, uncertain and dangerous forms; nor by means, precipitate and destructive, which easily lead to the most fatal subversion, as experience has unfortunately shewn us; but by roads already known and trodden, and by progressive improvements in the administration of the State." He then adds, "It being also visible that as the Portuguese rose to so high a rank among the other nations of the earth; were great, respected and prosperous under their ancient political Constitution, by its entire restoration, I shall now undoubtedly seal the glory with which I covered myself, by crushing the revolutionary monster, and thus amply redeem my Royal Promise which, through the effect of my generous love towards my faithful subjects, I was pleased to make to them, when I pledged to promote their happiness by a good Fundamental Law; and I am besides convinced by the general opinion manifested, in so many modes, on the occasion of my late restoration to all the rights of Sovereignty, that no other means can be so satisfactory and suit my people so well, as the one above-mentioned, since under its auspices these realms, once became alike respected, happy and prosperous. Wherefore, having duly weighed these and other

dicious reasons, submitted to me with so much judgment and maturity by the Junta, and also having fore me the opinions presented to me, on this important object, of many persons fearing God, faithful my service, and zealous for the welfare of these y realms, &c. ; and having further heard my Council of State, I have thought proper to decree the ancient Political Constitution to be in full force and vigour, and that the Three Estates of the Realm be called to Cortes," &c.

A higher—a more respectable, or a more express authority for the Convocation of the Three Estates of the Realm, could not be alleged. The late King John IV. thus avowed the necessity and expediency of the measure ; and it is a very curious fact that the Marquess de Palmella, at the time one of his ministers, was himself deeply engaged in the plan and had been appointed President of the Junta, entrusted with all the preliminary preparations. Nay, the whole was always considered as a favorite scheme of his own, and, it is very confidently added, that the disappointment of no one was so great as his own, when all his endeavours proved abortive. The same principles were again avowed by the Princess Maria Isabel, acting as Regent, in her speech in May, 1827, on the opening of the two Chambers, appointed by Dom Pedro's Charter. " You know," said she, addressing the two Chambers, " that Portugal, from remote ages, acknowledged no other political Government, than a Monarchical and Representative one. Ecclesiastical\* and Secular Grandees alone constituted

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\* Till the time of Henry VIII. besides Spiritual Lords, in the Upper

this Representation, the People not having any voice, or share, in a system of government, almost feudal. The Portuguese Kings, however, soon after the commencement of the monarchy, granted to the third Estate those rights and that dignity which barbarous ages had refused to them. Portugal then flourished, under the shadow of a Government, completely Representative," &c.

All these authorities and considerations, coupled with the unsettled state of Portugal, rendered the convocation of the Three Estates necessary, which was done in the usual form. They assembled at Lisbon, with all due solemnity, on the 23rd of June, 1828, in distinct places, and after deliberating on the important matters submitted to their consideration, they severally and unanimously resolved, and by three special acts recorded that, "according to the Enactments and Fundamental Laws of the Monarchy, Dom Miguel was called to the possession of the Crown," &c. By a decree of the 4th of July, the new king ordered that, "in a manner similar to that adopted by the Cortes, held in 1641, a Resolution, supported by motives, should be passed and signed by all and each one of the Three Estates." On the ensuing 7th, they met at the Palace of the Ajuda, where the oath of fealty was taken to the King, and he also complied with the same formalities required by law.\*

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House, 26 mitred Abbots and 2 Priors took their seats, as holding Baronies under the King.

\* The following is the form of the Oath, taken by the Three Estates of the Realm, assembled in the Hall of the Tudescos, on the 27th January, 1688. "We swear by the Holy Evangils, on which we bodily lay our hands, that we acknowledge as our Governor and Regent of these King-

The Resolution, above alluded to, of the Three Estates, (vide Appendix E.) and resembling the memorable Declaration of 1641, is a recapitulation of the several grounds and authorities on which their separate *Assentos* were founded. It is an application of the Portuguese laws to the case in point, and concludes with the following words:—

“ All which, being well considered and deliberately weighed, the Three Estates of the Realm, finding that the most clear and peremptory Laws excluded from the Crown of Portugal, previous to the 10th March, 1826, Dom Pedro and his descendants, and for this same reason called, in the person of Dom Miguel, the second line thereto; and that every thing that is alleged, or may be alleged to the contrary, is of no moment, they unanimously acknowledged and declared in their respective Resolutions, and in this General

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oms, through the perpetual disability of His Majesty, in the form which we have already judged and declared, the most High and most Excellent Prince, Dom Pedro, the legitimate son of King John IV. and Queen Luisa, his wife, Brother and Guardian of the most High and Powerful King, Alonzo VI., his true and natural Successor to the Crown of these Kingdoms; and as true and natural subjects, as we are, of His Highness, we pledge and do him homage, so and in the manner as we did to King John V., his father, and King Alonzo, his brother, whom, on account of his disabilities we now deprive of the Government, and with the same jurisdiction, power and authority with which the oath has always been taken to the Kings and Lords of this Crown; and we will in every thing obey his commands and judgments, in both high and low, and we will make war for him, maintain peace with those whom he should command us so to do; and we will not obey; neither will we acknowledge any other King, or Lord, saving him. And the whole of the above, we swear to God, by his Cross and these Holy Evangils on which we bodily place our hands, wholly to observe and keep, and as a sign of our subjection, obedience and acknowledgment of the said Lordship and Royal jurisdiction, we kiss the hand of His Highness, who is here present.”

One also Do acknowledge and declare, that to the King our Lord, Senhor Dom Miguel, the first of that name, from the 10th day of March, 1826, the aforesaid Crown of Portugal belonged; wherefore, all that Senhor Dom Pedro, in his character of King of Portugal, which did not belong to him, has done and enacted, ought to be reputed and declared null and void, and particularly what is called the Constitutional Charter of the Portuguese Monarchy, dated the 29th of April, in the said year, 1826. And in order that the same may appear, this present Act and Resolution has been drawn up and signed by all the persons assisting at the Cortes, on account of the Three Estates of the Realm. Written and Done in Lisbon, this 11th day of the month of July, 1828."

Thus was the great question settled, that had agitated Portugal, ever since the 10th of March, 1826, when king John VI. departed this life. A more numerous, and, strictly speaking, Constitutional meeting of the Three Estates of the Realm, never took place in Portugal. Faria e Souza, in his *Europa Portuguesa*, Vol. 3, page 164, has an interesting passage on the persons entitled to a seat in the Cortes. After describing the manner in which the King was attended, at the opening of the Cortes, and the ceremonies observed on that occasion, he enumerates the Delegates in the following order; "The President, who was the Senior Judge of the High Court; the Chancellor of the Kingdom; the Chancellors of the Board of Finance; the Judges of the Palace Court; the Chancellor of the High Court; the Judges of the Court of Appeal; the chief Magistrates of the capital; the Judges of the Crimi-



**Court;** The supernumerary Judges of the same Court; all titled noblemen, from Dukes to Counts; twenty-four Counsellors and also Honorary ones; the Lords of Lands, held as manors; the Governors of Castles; Archbishops; Bishops; Prelates, and finally the Delegates of the different Cities and Towns, amounting to 92; viz. 71 cities and 21 towns. These members were distributed in 18 Benches."

At the meeting of the Three Estates which declared that the Crown of Portugal devolved to King Miguel—as seen from the signatures at the foot of the document, there were 20 Church Dignitaries; 121 Nobles and persons belonging to the privileged orders, and 153 Delegates, representing 84 cities and Towns; in all 294 persons, of the greatest weight and distinction. The Delegates of the people were particularly numerous. The largest meeting of popular Delegates known in Spain, was at Burgos, in 1315, when 185 of them attended, representing 85 cities and towns. The late Cortes of Portugal had thus a larger proportion of members representing the people.

This award of the Lisbon Cortes, besides being a document of historical and political reference, establishes the Constitutional Independence of the Portuguese Nation, and revives the fundamental regulations which had prevailed in the monarchy, from its first foundation. Nothing could be more solemn and authentic—nothing more explicit and binding. Every act in reference to it, was strictly conformable to the institutions of the realm, and suited to the dignity of the crown. The award of these Cortes, is, in fact, supported by an authority, equal to that

which distinguished the memorable Declaration of 1641, and the motives and pleas, on which the several resolutions are founded, equally as strong and well authenticated. The Cortes of 1641, when they threw off the yoke of the Spanish Philip and disengaged themselves from the oath of allegiance taken to him, very courageously put forth the following remarkable protestation:—

“And thus could the Kingdom disengage itself from its obedience and withhold it, without breaking the oath taken to him (meaning the King) ; inasmuch as, conformably to the rules of natural and human right, even although the Kingdoms should have transferred to their Kings all their power and dominion to govern them, it was under the tacit condition of ruling and governing them with justice and without tyranny. And if, in their mode of governing, they abuse the same, the people can then deprive them of the Kingdoms, in their own legitimate and natural defence ; and never, in these cases, were they held to be bound, nor did the bond of an oath extend to them.”

The Cortes of 1828, speaking of the oath, taken to the Constitutional Charter of Dom Pedro, declare thus ;—“The Three Estates view the solemnity of an oath, with the same profound respect that is due to the Sovereign Lord who is therein invoked, and acknowledge its extremely great importance in the government of human Societies. They most sincerely regret, in our times, to see it prostituted, and on this very account despised, by such sacrilegious irreverence shown towards the Divine Majesty, to the enormous injury of men and Commonwealths. They

cannot, however, grant that the oath does not fail to become null and void, when applied to an illegal act; when it has been extorted by violence, and when, from its observance, necessarily would result the violation of the rights of persons and of nations, and above all, the complete ruin of the latter. Such, in fact, is the oath to which the present objection alludes. To keep such an oath, would not amount to less than the stripping our country of life, and no indemnity whatever of an oath can compel any one to become the parricide of his country."

It is, consequently, to be hoped that this final award, given and pronounced by the only Tribunal in the Kingdom, competent to sit in judgment on the claims of the two Competitors to the Throne of Portugal, will prove satisfactory to the Portuguese themselves, as well as to the various foreign nations with whom they have usually been on the terms of amity. The Portuguese have need of repose, after the long period of time, during which their country has been convulsed by political changes and revolutions. No people feel a more enthusiastic warmth in favor of their national institutions—none a more zealous attachment to the Sovereign, seated on the throne. It is, therefore, time for anarchy and civil strife to cease. The Portuguese have much to do, to invigorate their country, and this can only be done by peace and union. Among the emigrants who have come over to England, there seems, however, to be a spirit of infatuation; but, it is to be hoped, that men of judgment and resolution will be found to stem a torrent, that could not fail to hurl destruction on their native land. Evidently, the large portion of the

community differs from the opinions which they have rashly embraced, and whilst a spirit of resistance is maintained against them, their progress must inevitably be interrupted. Portugal is not in a state for political experiments, and imprudence and indiscretion alone can continue to encourage them.

It is time also for the Brazilian Emperor to reflect on the calamities which he has brought upon Portugal, by his rash and inconsiderate acts, as well as the dangers to which he has exposed himself at home, by attempting a distant scheme of aggrandizement, incompatible with the tenure by which he obtained the Throne of another hemisphere. What the national Bard once said of Portugal, in reference to her short-lived policy in riveting the chains of a distant Colony, the Philosopher and man of observation may now say of Brazil,

*“ Deixas criar às portas o inimigo,  
Por tres buscar outro de tão longe,  
Por quem se despovoe o reino antigo,  
Se enfraquece, e se vá deitando á longa.”*

You, would he say to the Emperor, cast your views to a distant country, with an ocean of 2,000 leagues intervening between you, and one besides opposed to you in political principles—prejudices and habits; whilst, at the same time, you have an enemy at your very door, whom you disregard. You have scarcely moral and physical strength enough to wield your sceptre peaceably over the extended, isolated and refractory Provinces of which your Empire is composed, and still you wish to widen your sway. Your

own dominion chiefly rests on public opinion, and  
 nevertheless you seek to weaken the confidence which  
 our own subjects have hitherto reposed in you, by  
 trying injudicious experiments and undertaking enter-  
 prises, directly opposed to your own pledges, and at  
 variance with the views by which they are actuated—  
 the interests by which they are impelled. In such  
 instant projects, besides weakening your resources  
 and implicating your own character, you become the  
 scape of designing agents. Be not ashamed, or afraid,  
 to avow your error, in attempting to secure the Throne  
 of Portugal to your own issue, contrary to the laws  
 and institutions of that country. If you wish the laws  
 and institutions of your own Empire to be revered,  
 you must respect those of other independent nations.  
 The whole of Europe have now passed judgment on  
 our late claims and pretensions, and if they had not,  
 the Oporto and Madeira affairs were sufficient to un-  
 receive them, at least, as regards the moral and phy-  
 cal power which you hold to enforce your claims,  
 even were they ever so just. The last Proclamation  
 which you issued on the affairs of Portugal, dated Rio  
 de Janeiro, July 25, 1828, and found in the Appendix,  
 under the Letter I. puts the seal to your other incon-  
 stencies, and of itself shews that you now seek  
 to intimidate, when it is no longer in your power to  
 enforce. You have been both deceived and betrayed,  
 and if you persist in an open act of injustice against a  
 whole nation—if you allow ambitious and designing  
 men to wield your name and expend your resources,  
 in schemes already condemned by the enlightened and  
 the impartial in every clime, you run the risk of losing

the remnant of that high character which the nations of Europe, and particularly the British Public, had formed of you.\*

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P. S. It would almost be impossible to quit the subject of Portugal, without saying a few words on the gross deceptions practiced on the British Public, either in the shape of Lisbon Letters, Party-pamphlets, or evident exaggerations and misrepresentations. This seems, in fact, to be a regularly organized department, entrusted to active and zealous agents. Recriminations do indeed usually follow a civil contest; but, it is seldom that a fallen party resorts to gross and palpable falsehoods, in defence of either its principles, or conduct, as eventually the blow recoils on itself. The confusion and desolation which follow the footsteps of an aggravated contest for civil power, in every country, are lamentable, and no where have they been more so than in our own. The miseries which ensue, are almost inseparable from revolutionary movements. The same was therefore, in the heat of the moment, to be expected in Portugal, at the close of the late attempt at Oporto to uphold unpopular institutions, by force of arms. Revolutions,

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\* By a Secret and Definitive Treaty, concluded between Portugal and Brazil, and ratified on the 25th of November, 1825, by King John VI. Brazil agreed to pay to Portugal Two Millions Sterling, in full of all demands, and as a settlement of all public claims. This Treaty is found in the Appendix, under the Letter H.

less they succeed, are besides always deemed illegal acts, and this was also the practice and doctrine of the very party that now stands in the attitude of complainants.

When the struggle for power was over and the porto troops, deserted by their leaders and abandoned to themselves, preferred seeking an asylum in foreign country, to the hazard of a battle, it was naturally to be expected that the victors would institute some proceedings, in order to investigate the uses which led to the revolution, as well as to discover the persons principally concerned in it. When, it was, that the Decree, found in the Appendix, under letter K. was issued, and from its contents, it will be seen, that it is Crown property, or such as belongs to the Military Orders, that is taken away; in other words, persons who had received *encomendas*, or distinctions, with an income attached to them, were stripped of their honours. Precisely the same happens, on similar occasions, in all countries. These are grants in the gift of the Crown, and naturally an attempt to subvert the regal power from which they were derived, implies their forfeiture.

Another clause in the same decree, ordains the sequestration of property belonging to absentees; yet, there is nothing novel in this. The Regent, Maria Isabel, at the time advised and swayed by the fallen party, and during the empire of the Charter, did still more. By her decree, dated the Palace of Ajuda, Sept. 23, 1826, Art. 2, she ordains "that the authorities of the cities and towns, throughout the Kingdom, should, by a solemn act, establish the emigration and absence of every individual, military, ecclesias-

tical, or otherwise, and immediately sequestrate all their property, of whatsoever kind it might be," &c. This is the usage and law of the country.

All these highly-coloured pictures of the arrests, seizures and persecutions of Liberals, with which the partisans of the Charter amuse the British Public, and thereby hope to excite their sympathy, have a most striking appearance in the London prints; but, in unsettled times, when were things otherwise in Portugal? Were they not the same, or nearly so, in the days of King John VI.? Subsequent to the fall of the Constitution, at the close of May, 1823, was not persecution equally the order of the day, not carried on against persons plotting, or actually engaged in conspiracies; but against individuals who had held the highest situations in Portugal? Were not the late Constitutional agents of Spain, for example, ordered away in an abrupt manner, and only with fifteen days' notice? Was there not a Spanish Count, coming from Galicia, as a private individual, with regular passports, sent to the common gaol—not to the castle of Belem? Was not Chevalier Aguilar, who had been the Spanish Chargé d'Affaires, literally driven away by threats, with a large family, merely that he might not be in Lisbon when the Duke de Villa Hermosa arrived? Were not the Spanish Liberals who then happened to be in the capital, through the medium of the Intendant General of Police, the Baron de Renduff, and now a partisan of the Charter, subjected to the most inquisitorial system of espionage? Was not Sir Robert Wilson then prevented from landing, after a sea voyage, and were not guards stationed in his vessel? Were not



wards also posted in front of the palace of Queluz, prevent access; nay, at the very same time, were it most of the Portuguese Liberals, emigrants in this country? Were not private pique and personal vengeance as much resorted to, in those times, as they are now, with this difference only, that there were not so many ready pens to record them? Were public affairs then less influenced by prejudice, or passion; were men less assailed by corruption, or assailed by violence? Numbers in England can answer these questions, and to enumerate them would be an unnecessary task.

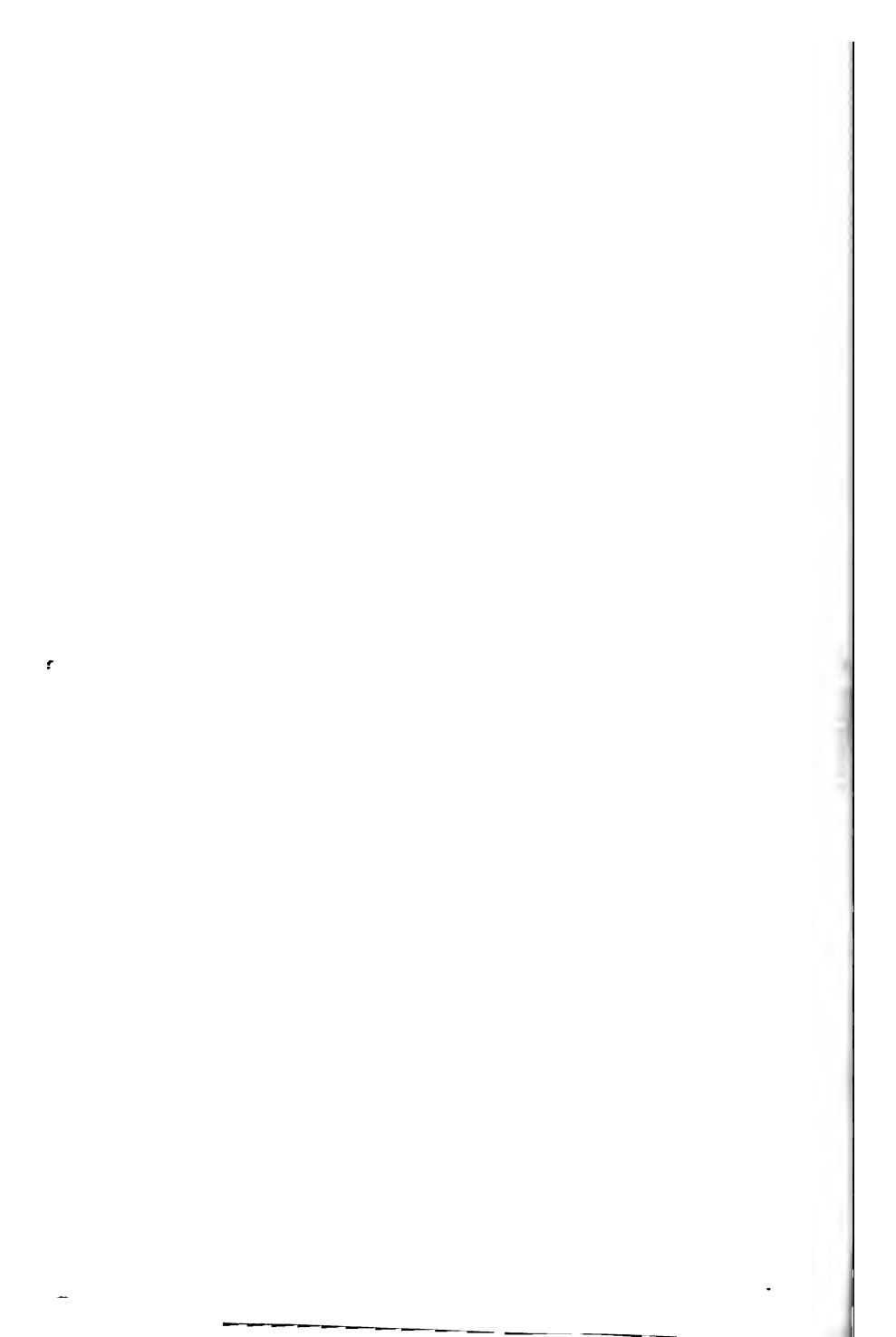
Nothing, in a word, can be more revolting—more unjust, than that virulence and acrimony with which some of the daily prints speak of the present situation of Portugal. The most horrid atrocities—the most bloody persecutions—the most depraved acts, are presented as being the order of the day, and if we were to believe all that is published, we should consider Portugal, at this moment, as an extensive theatre of anarchy and desolation. This is not, however, the case. The Portuguese, like almost every other small continental nation, too often resort to calumny and detraction, as an offensive weapon; but among us, this weapon falls innocuous to the ground. In England, the Portuguese emigrants and their leaders may have a host of hirelings, and, for a day, their appeals may be listened to; but, after all, the British Public will discriminate. We are not accustomed to interfere in the internal concerns of other nations; nor do we wish to embroil ourselves in their political quarrels. The affairs of Portugal are now better understood than they were, when the Oporto revolution broke out, and

the receipt of correct information on this subject, is no longer a monopoly in few hands. These vaunted apostles of "justice and humanity" have themselves rent the veil. If they had a cause, worth fighting for, why are they in England? If their intentions were pure; if they were actuated by just and humane motives; or, if they looked for the countenance and approbation of other nations, how is it that they covered themselves with so much disgrace at Oporto, and, after quitting that city, how is it that their track was stained with blood, till the very moment they arrived on the Spanish frontiers? The murders—atrocities and robberies which took place, in that retreat, hundreds in England can attest, and the last scene of those horrors was nearly performed at Plymouth, on the defenceless family of the Marquess de Lavradio. Is it from such men as these, that Portugal is to look for civil freedom? Unhappy would be the nation—wretched the inhabitants, where any such men—such wild and visionary theorists, should again obtain an ascendancy!

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**APPENDIX.**

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D. John VI. b.  
May 13, 1767.  
Ob. 10 March,  
1826.

D. Charlotte  
Joachima of  
Spain, b. April  
25, 1775.

D. Maria  
Theresa, b.  
April 29,  
1793. (1)

D. Miguel,  
b. Oct. 26,  
1802.

D. Francisca,  
b. July 4,  
1801. (4)

D. Paula,  
b. Feb. 17,  
1823.

D. Francisca,  
b. April 12,  
1800. (3)

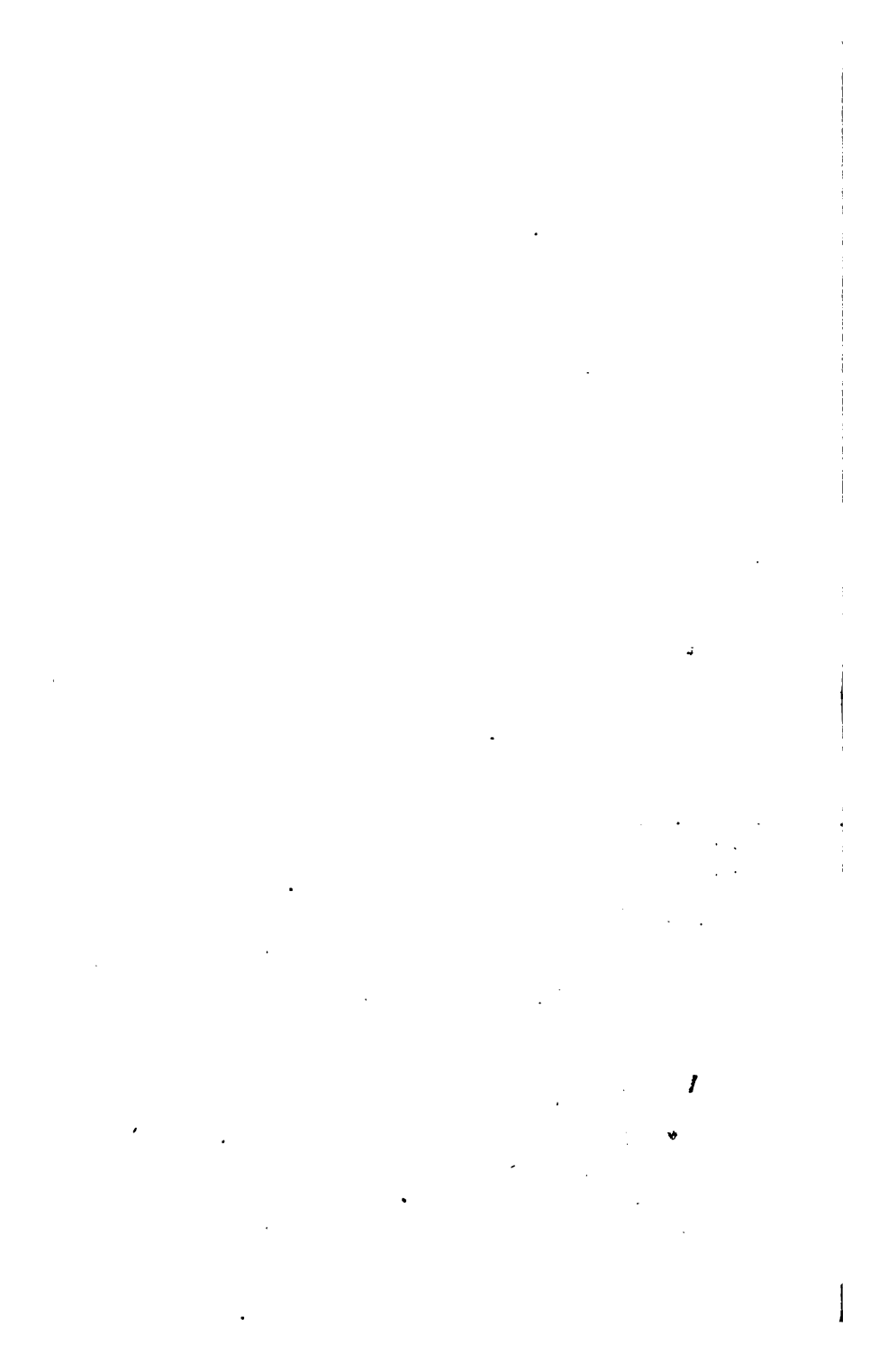
D. Maria  
Isabel, b.  
May 19,  
1797, ob.  
1818. (2)

D. Maria  
da Assumpcao,  
b. July 25,  
1805.

D. Annade  
Jesus Maria  
b. Dec.  
1806. (5)

Infante of Spain, who died in Brazil, in 1882. She resides at the property of her late husband, accompanied by her son, Prince of Janeiro, Nov. 4, 1811. I. of Spain; Ob. 1818.

(3) At present married to the Infante D. Carlos of Spain.  
(4) Late Regent of Portugal.  
(5) Married to the Marquess de Loulé, and late in England.  
(6) The Princess of Grau Pará and now in England.



## APPENDIX B.

DECLARATION OF DOM PEDRO, CONSTITUTIONAL EMPEROR AND PERPETUAL DEFENDER OF THE EMPIRE OF BRAZIL, TO ALL THE SUBJECTS OF THE SAID EMPIRE.

Brazilians!—The Lusitanian troops with which the Jacobinical Machiavelian Cortes of Portugal pretended to recolonize this vast rich country, having been expelled from the Empire, and his Most High Majesty now being in a state in which he can freely act, and we being, as yet, in no respect exceeded the limits of just defence, it was to be expected that the Portuguese Government, being well advised and informed, and in no way misunderstanding the imperious reasons which impelled Brazil to raise the standard of Independence, and also well aware of the universal and determined resolution of this brave people to defend their liberties, to the last drop of their blood, would, instead of executing chimerical plans of reunion and subjection, which are inadvisable and impracticable, rather seek to derive reasonable benefits from that very independence, than attempt to subdue us; and would, with the olive branch, offer to us well-calculated and mutual commercial advantages, the solid guarantees of peace and of a perfect and durable friendship. Nothing of this kind has, however, occurred. The success of our cause, already acknowledged by the tribunal of public opinion, throughout the world, has not yet penetrated the hearts of some Portuguese ministers, who are either wilfully blind, or fascinated by illusion. The tribunal to which they propose to appeal, is the fate of us: they wish for war, without utility or object.

It is long since we have heard reports of military expeditions from Portugal against this empire; and though the knowledge of our justice, and the equity and wisdom which we presumed were still to be found in the councils of his Most Faithful Majesty, gave to those reports the character of improbability, I have always quietly and without ostentation, taken care to adopt such measures as were suited to the existing situation of the empire, for the purpose of repelling any attack which might be made on this capital, or on the other provinces. Now, however, that Portugal has thrown off the mask, and the last Lisbon dispatches plainly speak of an expedition against Brazil being soon to sail from the port of that capital, it becomes my duty, as your Emperor and perpetual Defender, thus publicly to call your attention to this important event.

What would they with us—those infatuated ministers, who urge his Most Faithful Majesty to take so violent a course! Would they recolonize us? What insanity! Would they give the law to us, by offering us, with lighted matches and fixed bayonets in their hands, a nominal independence, founded on artfully organized bases? Gross error—miserable policy! Would they tear me from among you, and have me to leave you abandoned to all the horrors of anarchy? That they never shall accomplish.

To arms, Brazilians!—INDEPENDENCE OR DEATH is our motto. Your Emperor and Perpetual Defender who, as you know, abhors and despises the ease and pleasures of the throne, is about to take the field—to unsheath the sword, and he once more swears that he is ready to die with it in his hand, amidst the brave Brazilian legions. Assist him—hasten to him—rally around him, and victory will be certain. He regrets that he cannot multiply himself so as to be present at every point which may be attacked, and to participate with you in every danger and in every glory; but he has full confidence in your valor and patriotism.

Courage, Brazilians!—Prevent, as far as possible, the enemy from setting foot on your territory. If that cannot be done, abandon to him your desert cities and towns. Retire to the interior—entrench yourselves there—cut him off from all communication, and be assured that, left to depend upon feeble, uncertain and tardy reinforcements from distant Portugal, he will be reduced to a state of the greatest wretchedness, while our squadrons, recruited and strong, will fly to your succour at the proper moment, and complete his disgraceful expulsion—a fate which you have already seen him experience at Bahia and Monte Video. Numerous cruisers are about to traverse the seas, to give the last blow to the expiring commerce of Portugal; and thus teach that deluded government to respect our right to independence, the path opened to us by the tyranny and ambition of our enemy.

Do not be alarmed by the boasting accounts of immense squadrons and multitudes of combatants, said to be coming against us; however great their force, incomparably greater is the ground which they will have to occupy—incomparably greater are the resources which we can oppose to them, and the slightest reflection must serve to reduce such exaggerations to their true value. A line of operations, commencing from the Tagus, and extending to any point on our coast, directed against a people, able and willing to defend themselves, is an act of military lunacy; the unhappy result the assailants may for a time retard, but eventually it is infallible. To maintain European squadrons and armies constantly on the footing of war in our trans-Atlantic regions, has always been, and is, for the most powerful nations, diffi-



; but for Portugal, now impossible. Call to your recollection how  
 by such attempts have been unsuccessfully made by the Old World  
 against the New, and you will find this truth confirmed.

Are you not told that powerful European nations will assist in this  
 enterprise? Do not believe it. Those nations know too well their true  
 interests to take any part in a contest which is foreign to them, and the  
 just justice of the independence which we defend, cannot fail to give  
 the right direction to their wise and enlightened policy.

Be firm, vigilance, Brazilians! valor, constancy—above all, internal union  
 amongst yourselves, and the God of armies, the fountain of all justice,  
 bless our legitimate efforts for the preservation of that liberty and  
 independence which it is the will of Providence that all the nations of  
 the earth should possess. Under its powerful auspices, you will see  
 rising on your walls the victorious flag of independence, and our  
 squadrons will even penetrate into the mouth of the Tagus, to teach  
 justice and moderation to that infatuated Government.

THE EMPEROR.

Rio de Janeiro, June 10, 1824—Third  
 year of Independence.

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## APPENDIX C.

### PROCLAMATION TO THE PEOPLE OF PERNAMBUCO.

Pernambucans!—The moment has arrived when the veil of impos-  
 sibility with which you have hitherto been enveloped by demagogues, the  
 enemies of the empire and of your real happiness, will fall to the ground.  
 In order to betray your good faith; to inflame your imaginations, and to  
 trap you blindly into political systems, which the lessons of experience  
 prove to be absolutely incompatible with your present situation, and to  
 promote their own interests in separating you from the general union of  
 the provinces, so indispensable to the consolidation and security of  
 the independence, they have attempted to persuade you that a faction,  
 allied to Portugal, controlled the political operations of this empire, with  
 the view of subjecting it to the old dominion of the Portuguese and the  
 despotism of their government. So profound has been the impression  
 produced by this atrocious calumny, on the minds of credulous persons,  
 anxious for the preservation of their rising liberties, that notwithstand-  
 ing the many decided proofs to the contrary, they are not yet entirely  
 deceived. But the moment has arrived when the illusion will com-  
 pletely vanish.

The Portuguese government, which is doubtless ruled by a few ambitious or incompetent ministers, having neglected the opportunity which our moderation and prudence afforded for negotiating an advantageous and permanent peace with this empire, and perhaps, still influenced by the old habit of despotically controlling the fate of this population, has conceived that the speediest and most effectual mode of gaining their object will be by force of arms; and according to the latest Lisbon Gazettes, an expedition is preparing to sail for this country. The empire has determined to take up arms to repel this unjust and useless aggression, and, your Emperor and Perpetual Defender, faithful to the obligations which he has contracted with you, is about to head the brave troops of Brazil, and to prove that the glorious title in which he so highly prides himself, is not a mere empty sound. Having perfectly identified himself with the Brazilian people, he is resolved to share their fate, whatever it may be. His interest, happiness and glory do, and always will, correspond with those of the Brazilian people; and he will never sheath his sword until every portion of the empire equally enjoys independence and freedom.

Pernambucans! What precious time has been lost! What immense sacrifices have been made to deliver you from the manœuvres of the anarchical demagogues who have desolated so many of these fine provinces! What would have become of the insolent enemy who now threatens us, if our forces had been constantly united; if, instead of weakening by internal divisions so important a point of the empire, you had rallied round the common centre of union, like the other provinces! Would the enemy have dared to attack us, if he had not calculated on deriving advantage from your fatal disunion? Would he have dared to attack us if, from the Amazons to the Rio de la Plata, we had presented to him one solidly-united mass—one uniform resistance, directed by a well-combined and general plan? Certainly not,

Thus, then, being ignorant of the point to which the enemy's forces may be directed, and it being imperiously necessary to secure against invasion the capital of the empire, as on it essentially depends the salvation of all the provinces, it becomes indispensable to concentrate at this spot the whole of our maritime force. But what pain does not my paternal heart endure, at finding that, instead of sufficiently augmenting the force on your station to assist you in defending yourselves against a foreign enemy, I am obliged to withdraw it. However, be not disheartened, Pernambucans! Put an end to the hatred and internal dissensions which divide and distract you. Unite, with heart and goodwill, for the common defence, and you will find in your soil and your valour infinite resources against the foreign enemy, who cannot long

tain himself in these remote regions. Never think of capitulation to such unjust aggressors; but rely upon it, that the capital being defended, to whatever point the enemy may direct his attack, thither your land and sea forces be sent to its succour. Pernambucans! Be courageous, constancy, and above all things, internal union, and the enemy will be overcome.

THE EMPEROR.

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## APPENDIX D.

(CORTES DE LAMEGO—1143.)

“ Em nome da Santa e individua Trindade, Padre, Filho, e Espirito Santo, que hé indivisa e inseparavel.

“ Eu, Dom Affonso, filho do Conde Dom Henrique e da Rainha, a Rainha Tareja, Neto do grande Dom Affonso, Emperador das Hespanhas, pouco há que pela divina piedade fui sublimado á dignidade de Rey; que Deos nos concedeo alguma quietação, e com seo favor alcançamos victoria dos Mouros, nossos inimigos, e por esta cauza estamos desaliviados, porque não succeda depois faltar-nos o tempo, convocamos a Córtes todos os que se seguem: o Arcebispo de Braga, o Bispo de Lizeu, o Bispo do Porto, o Bispo de Coimbra, o Bispo de Lamego, e os membros de nossa Corte, que se nomearão abaixo, e os Procuradores da cidade de cada um por suas cidades; convem a saber, por Coimbra, João de Lamego, Lamego, Viseu, Barcellos, Porto, Trancoso, Chaves, Castello Branco, Bouzella, Paredes-Velhas, Cea, Covilham, Monte-Maior, Esgueira, e o do Rey; e por parte do Senhor Rey, Lourenço Viegas, avendo bem grande multidão de Monges e de Clerigos. Ajuntamo-nos em Lamego na Igreja de Santa Maria de Almacave; E assentou-se El Rey no throno Real *sem as insignias Reays*, e levantando-se Lourenço Viegas, procurador de El Rey, disse:—

“ Fez-vos ajuntar aqui El Rey D. Affonso, o qual levantastes no throno de Ourique, para que vejais as Letras do Santo Padre, e digais a verdade que seja elle Rey. Disseraõ todos:—Nós queremos que seja elle Rey. E disse o Procurador:—Se assim hé vossa vontade, dai-lhe a coroa Real. E disseraõ todos:—Demos, em nome de Deos. E levantou-se o Arcebispo de Braga, e tomou das mãos do Abbade de Lamego uma grande coroa de ouro, cheia de pedras preciosas, que fora do Rey Godos, e a tinhaõ dado ao Mosteiro, e esta poseram na cabeça do Rey; e o Senhor Rey, com a espada nua em sua mão, com a qual

entrou na batalha, disse: Bemdito seja Deos que me ajudou; com esta espada vos livre e venci nossos inimigos, e vós me fizestes Rey e companheiro vosso; e pois me fizestes, *saçamos leis*, pelas quaes se governe em paz nossa terra. Disseraõ todos:—Queremos Senhor Rey, e *somos contentes de fazer Leis*, quaes vós mais quizerdes, porque nós todos com nossos filhos e filhas, netos e netas, estamos a vosso mandado. Chamou logo o Senhor Rey os Bispos, os nobres, e os procuradores, e disseraõ entre si:—*saçamos*, primeiramente Leis da herança e successaõ do Reino, e fizeraõ estas que se seguem.

“ Viva o Senhor Rey Dom Affonso, e possua o reino. Se tiver filhos varõens, vivaõ e tenhaõ o reino, de modo que não seja necessario torna-los a fazer Reys de novo. Deste modo succederáõ; por morte do pai, herdará o filho, depois o neto, entãõ o filho do neto, e finalmente os filhos dos filhos, em todos os seculos para sempre.

“ Se o primeiro filho del Rey morrer em vida de seo pai, o segundo será Rey, e este se falecer, o terceiro, o quarto, e os mais que se seguirem por este modo.

“ Se El Rey falecer sem filhos, em cazo que tenha irmão, possuirá o reino em sua vida, mas quando morrer, não será Rey seo filho, sem primeiro o *fazerem os Bispos, os Procuradores, e os nobres da Corte del Rey*: se o *fizerem Rey, Rey será, e se o não elegerem, não reinará*.

“ Disse depois Lourenço Viegas, procurador de El Rey, aos outros procuradores:—Diz El Rey *se quereis* que entrem as filhas na herança do reino, e *se quereis fazer leis* no que lhes toca? E depois que altercaram por muitas horas, vieraõ a concluir, e disseraõ: Tambem as filhas do Senhor Rey são de sua descendencia, e assim *queremos* que succedaõ no reino, e que sobre isto se façãõ leis; e os Bispos e nobres fizeraõ as leis nesta forma.

“ Se El Rey de Portugal não tiver filho varãõ, e tiver filha, ella será a Rainha tanto que El Rey morrer; porem será deste modo: Não cazará se não com Portuguez nobre, e este tal se não chamará Rey se não depois que tiver da Rainha filho varãõ. E quando for nas Cortes ou Autos publicos, o marido da Rainha irá da parte esquerda, e não porá em sua cabeça a Coroa do Reino.

“ Dure esta lei para sempre, que a primeira filha del Rey nunca caze se não com Portuguez, para que o reino não venha a estranhos; e se cazar com Principe estrangeiro, não herde pelo mesmo cazo; porque nunca *queremos* que nosso reino saia fora das maõs de Portuguezes, que com *seo valor nos fizerdo Rey*, sem ajuda alheia, mostrando nisto sua fortaleza e derramando seo sangue.

“ Estas são as Leis da herança de nosso Reino; e leo-as Alberto,

Cancellario do Senhor Rey a todos, e disserão: Boas são, justas são; queremos que valhão por nós, e por nossos descendentes, que depois vierem.

“E disse o Procurador do Senhor Rey.—Diz o Senhor Rey;—*Quereis fazer leis da nobreza e da justica?* E responderam todos:—*Assim o queremos; fação-se em nome de Deos, e fizeraõ estas.*

“Todos os descendentes de sangue Real, e de seos filhos e netos sejaõ nobillissimos. Os que não são descendentes de Mouros, ou dos infieis Judeos, sendo Portuguezes, que livrarem a pessoa del Rey, ou o seo pendaõ, ou algum filho ou genro na guerra, sejaõ nobres. Se acontecer que algum cativo dos que tomar-mos dos infieis morrer por não querer tornar á sua infidelidade, e perseverar na lei de Christo, seos filhos sejaõ nobres. O que na guerra matar o Rey contrario, ou seo filho, e ganhar o seo pendaõ, seja nobre. Todos aquelles que são de nossa corte, e tem nobreza antiga, permaneçaõ sempre nella. Todos aquelles que se acharam na grande batalha do Campo de Ourique, sejaõ como nobres, e chamemse meos vassallos, assim elles, como seos descendentes.

“Os nobres, se fugirem da batalha, se ferirem alguma mulher com espada ou lança, se não libertarem a El Rey, ou a seo filho, ou a seo pendaõ, com todas as suas forças na batalha, se derem testemunho falso, *se nao fallarem verdade aos Reys*, se fallarem mal da Rainha ou de suas filhas, se se forem para os Mouros, se furtarem as conzas alheias, se blasfemarem de nosso Senhor Jesu Christo, se quizerem matar El Rey—não sejaõ nobres, nem elles, nem seos filhos, para sempre.

“Estas são as Leis da nobreza; e leo-as o Cancellario del Rey, Alberto, a todos. E responderam:—Boas são, justas são, queremos que valhão por nós, e por nossos descendentes, que vierem depois de nós.

“Todos os do reino de Portugal obedeçaõ a El Rey, e aos Alcaldes dos lugares què ahi estiverem em nome del Rey; e estes se regeraõ por estas leis de justica. O homem se for comprehendido em furto, pela primeira e segunda vez, o poraõ meio despido em lugar publico, aonde seja visto de todos: se tornar a furtar, ponhaõ na testa do tal ladraõ um sinal com ferro quente; e se nem assim se emendar, e tornar a ser comprehendido em furto, morra pelo cazo: porem não o matareaõ sem mandado del Rey.

“A mulher, se cometer adulterio a seo marido com outro homem, e seo proprio marido denunciar della á justica, sendo as testemunhas de credito, seja queimada depois de o fazerem saber a El Rey, e queime-se juntamente o varaõ adultero com ella. Porem se o marido não quizer que a queimem, não se queime o complice, mas fique livre; porque não he justica que ella viva, e que o matem a elle.

“Se alguem matar homem, seja quem quer que for, morra pelo cazo.

Se alguém forçar virgem nobre, morra, e toda sua fazenda fique a donzella injuriada. Se ella não for nobre, cazem ambos, quer o homem seja nobre quer não.

“ Quando alguém por força tomar a fazenda alheia, vá dar o dono querella delle á justiça, que fará com que lhe seja restituída sua fazenda.

“ G homem que tirar sangue a outrem com ferro amolado, ou sem elle, que der com pedra ou algum páo, o Alcaide lhe fará restituír o dano e fará pagar dez maravediz.

“ O que fizer injuria ao Aguazil, Alcaide, Portador del Rey, ou a Porteiro, se o ferir; ou lhe fação sinal com ferro quente, quando não pague 50 maravediz, e restituá o dano.

“ Estas são as leis de justiça e nobreza, e leo-as o Cancellario del Rey, Alberto, a todos, e disserão :—Boas são, justas são, *queremos* que valhaõ por nós e por todos nossos descendentes que depois vierem.

“ E disse o Procurador del Rey, Lourenço Viegas, *quereis* que El Rey nosso Senhor vá as Cortes del Rey de Leão, ou lhe dê tributo, ou a alguma outra pessoa, tirando ao Senhor Papa que o confirmeo no Reino? E todos se levantaram, e tendo as espadas nuas, postos em pé, disseram :—“ Nós somos livres, nosso Rey hé livre, nossas mãõs nos libertaram; e o senhor, que tal consentir, morra; e se for Rey, não reine, mas perda o senhorio.” E o Senhor Rey se levantou outra vez com a coroa na cabeça, e espada nua na mão fallou a todos :—“ Vós sabeis muito bem quantas batalhas tenho feitas por vossa liberdade, sois disto boas testemunhas, e o hé tambem meo braço e espada: se alguém tal couza consentir, morra pelo mesmo cazo; e se for filho meo, ou neto, não reine.” E disserão todos: “ Boa palavra-morra: El Rey, se for tal que consinta em dominio alheio, não reine.” E El Rey, outra vez: “ Assim se faça, &c.”

## APPENDIX E.

RESOLUTION OF THE THREE ESTATES OF THE REALM, ASSEMBLED IN CORTES, IN THE CITY OF LISBON, AND PASSED ON THE 11TH DAY OF JULY, 1828.

Although each one of the Three Estates of the Realm, assembled in Cortes, in compliance with the trust confided to all of them in the opening speech, pronounced on the 23rd of June, in the current year, presented to His Majesty An Act, containing the Resolution by which

they established the strong reasons why they acknowledged that, by right, the Crown of Portugal had reverted to his August Person, it nevertheless appeared expedient and even necessary, and it was on this account decreed by His Majesty, that, besides the special Acts, they should draw up a single Resolution, comprising the whole of the several grounds thereof, thus obviating the doubts (certainly no other than specious ones) which on this subject may be raised, or such as interest or party-spirit may have already suggested; and in order that the same, being generally signed by the Members of which the Three Estates are composed, might become the sole voice of the whole nation, by expounding and maintaining the Fundamental Law of the Succession to the Crown, with that unbiassed impartiality and firm resolution, suited to a people, seriously determined not to commit, and at the same time not to allow of injustice.

Wherefore, the Three Estates, appointing a Committee, composed of an equal number of the Members of each, and Members of acknowledged talent, proved gravity and love of their country; this Committee, after meeting and again conferring on a point of such great importance, at length made a Report, on a view of which the Three Estates unanimously agreed as follows:

If the laws of the Kingdom excluded Dom Pedro from the Succession to the Crown, at least from the 15th of November, 1825, the Portuguese Crown, on the 10th of March, 1826, incontestably belonged to the Most High and Most Powerful King and Lord, Dom Miguel the First, because, as the two Princes were called thereto, one after the other, on the first-born being legally excluded, the Crown, by that legal exclusion, necessarily devolved to the second brother. In vain would it be to endeavour to seek out among the claimants another Prince, or Princess, entitled to the Succession, after the first-born had been legally excluded, because, as no other than a descendant of Dom Pedro could be found, it would be necessary to argue, in a manner repugnant to reason and even to the very notion of legal terms, that after being excluded, he still possessed rights to the Succession; or else it must be admitted, which would equally be as great, if not a more evident, absurdity, that on the 10th of March he could transmit rights which previously, according to the supposition above stated, he did not possess. That Prince, or Princess, so empowered, as long as a minor and in the hands of foreign parents, could not fail also to be reputed a foreigner in Portugal; but even if this were not supposed to be the case, on this account he, or she, could not acquire rights of which the only person who could transmit them, was already deprived by law.

These are the great and incontestable grounds on which the Three

Estates have acknowledged their legitimate King and Lord in the August Person of MIGUEL the FIRST. The first-born was excluded; the descendants of the first-born, supposing the said exclusion legal, could not therefore derive from him, and much less from any other person, rights to the Succession; when the laws, indisputably, in that case, call the second line to the throne.

What person, in fact, acquainted with the Fundamental Laws of Portugal, could doubt their excluding from the throne every foreign Prince, as well as every other Prince who is politically disabled from residing in the kingdom? And who can doubt that Dom Pedro, at least from the 15th of November, 1825, became a foreigner, by holding and considering himself as the Sovereign of a foreign State? and that he disabled himself from residing in Portugal, not only by the act of constituting himself Sovereign of that same foreign State, but also by his binding himself by oath to the laws thereof, which so expressly and peremptorily forbid the same?

The recollection of the political alterations and changes of Brazil is very recent; the Constitutional Charter of Brazil is also very generally known throughout Europe, and any effort on the part of the Three Estates to prove the existence of laws and events, so notorious, would be superfluous and even objectionable. How much more so must this be the case with true Portuguese, who seek to spare themselves the pain of touching these still bleeding wounds of their unhappy country, or of reviving the bitter recollection of their claims and rights, either regarded with indifference, or purposely ill requited.

However foreigners, unacquainted with the Fundamental Laws of Portugal, and even certain natives, who, perhaps, affect to forget them, think on the subject, the Three Estates do not hesitate to allege and call to mind, the literal and clear Resolution of the Cortes of Lamego, couched in these precise words:—"Let not the Kingdom come to foreigners \* \* \* neither do we wish that the Kingdom, at any time, should pass over to foreigners."—the sense of which is so clear and distinct, that any commentary thereon would be useless and misplaced. They also allege and call to mind the Petition (undoubtedly granted) of the Three Estates, in 1641, and particularly of the Nobility, that most signal monument of their loyalty and zeal for the country's good, as well as of the political discretion of our ancestors. And it ought further to be observed, that it is not to be inferred from the aforesaid Petition, that there was then any doubt respecting the decision of the Cortes of Lamego, in this respect; previously, this same decision continually served as an argument to repel the pretensions of the Castilians, and as such is deduced in the 5th Clause of the famous Resolution, passed in



Cortes, in the said year. In that Petition no innovation was sought regarding the exclusion of foreigners; it was rather endeavoured to repeat and strengthen the law; and remove all doubts, even the slightest, from interested parties, respecting the Legislation known and hitherto followed, even in the case of there being on the frontiers a formidable army, and, by terror, attempting to compel the arrest of pusillanimous Judges.

The same rule was most assuredly observed, as seen from the plain narrative of those memorable events, in the controversy that was raised through the death of King FERDINAND, when DONNA BEATRIX, who found herself in similar circumstances to DOM PEDRO, experienced, as regards the Royal Succession, the same repulse. DONNA BEATRIX was born in Portugal; she was the first-born and only daughter of the preceding Monarch, and, nevertheless, excluded from the Throne; and what motive excluded her? Was it her sex? But females succeed to the Crown in Portugal. Was it the scruples respecting the marriage of Queen LEONORA? These scruples, as recorded in history, did not however gain any ground till the Cortes of Coimbra. Was it for entering Portugal with an armed force? But this entry with an armed force was already provoked by resistance. The cause, consequently, clearly rested on her being a foreigner; and this was the ground of objection. This was the case, notwithstanding the public records of those times do not dwell on this point. It was in fact the repugnancy and resistance of the people. They knew the Portuguese laws; and the meaning of "natural King," that is, one who was born and lives among those over whom he rules, had its just value in the opinion of those true lovers of their country. Their generosity rejected with horror the danger of foreign dominion, and the mechanics of Lisbon and Santarem, as described by the only Chronicler of that age, evinced more honorable feeling and judgment in their resolutions, than some of the presumptive wise men of the nineteenth century.

But, they tell us that Count de Boulogne was estranged to Portugal, and yet reigned in Portugal. The Count de Boulogne, however, did not reign by right of Succession; he reigned extraordinarily by election. The leaders of this Kingdom purposely went to France to fetch him—the Pope's authority strengthened the choice, and by immediately proceeding to Portugal, he recovered his right of birth. He did not take the title of King until after, as it were by dispensation, he had been specially empowered by the Estates. It was, besides, a very remarkable circumstance, that there was not at the time in the Kingdom any other person belonging to the Royal Family, as the Infante D. FERNANDO was married in Castile, and the Infanta D. LEONORA married in a country still more remote, in such manner that the laws were not violated in the case of

the Count de Boulogne ; but in him an extraordinary remedy was rather sought for the most urgent wants of the Kingdom ; the spirit of the laws and the national usages being at the same time followed with all possible scrupulosity.

So great and obvious are the objections to, or rather the injuries of a foreign King, whether he be such from birth or choice, that it could not escape the wisdom of our legislators, as well as the instinct, if the expression may be allowed, of the whole nation—whence arose the circumstance that discreet and express laws are not wanting to us, to guard against such contingencies ; nor could the opinion and resolution of the people fail, in all cases, to correspond to these laws. In truth, the King being a foreigner by birth, even when by ascending the throne he should become a citizen, the ties of blood nevertheless would be wanting, and with them necessarily would be lost those of reciprocal confidence and love ; a perfect knowledge of the inclinations, habits and real interests of the people would also be wanting, and thereby one of the most important means of governing them, with justice and success, lost. If the King, notwithstanding his having been born within the Kingdom, should have absented himself, or taken up his residence in a different State, the Kingdom is thus delivered up to Viceroys and Lieutenants ; its advantages overlooked, and those of the people, in a great measure, sacrificed to persons who may be appointed to reside among them ; when on the one hand, we, should have discontent and its sad and ruinous effects, and on the other, suspicion, caution, and oppression, which soon would degenerate into tyranny.

The laws, therefore, held the want of birth, as well as the impossibility of residing within the Kingdom, as sufficient grounds for exclusion from the throne. Alonzo III. did not govern Portugal from Boulogne ; nor did the Portuguese, his cotemporaries, ever even dream that it would be possible to reconcile the Government of Portugal with perpetual absence, a morally invincible difficulty. It is, indeed, true that this political monstrosity took place with the intrusion of the Kings of Castile ; but the absence of the Kings of Castile does not prove more against the Portuguese laws of residence, than the want of birth against the laws for the exclusion of foreigners. It ought, however, to be observed, not only that as soon as the oppressive yoke was broken by the courage of our ancestors, the law was not only immediately repealed in the Cortes of 1641, which allowed of non-residents ; but the Nobles of the Kingdom, even in their second Act of the Cortes of Thomar, had also the courage to petition that the King should reside among us, the most he possibly could, to which Philip found himself compelled to answer in the following words—“ I will endeavour to satisfy you.” And how much more must

not the Portuguese be persuaded of the necessity of the residence of the King, whether reigning *de facto* or *de jure*, within the kingdom, when neither negotiations nor terror stopped the mouths of the Nobility, or prevented them in 1591 from presenting a Petition of this kind; nor did the King, powerful and self-willed as he was, venture to return a less suitable answer.

The law, thus clear and thus cautious against all dangers, whether of foreign dominion, or great inconveniences in the internal government; the national opinion, declared at various periods, and according to various events in our history; as well as the due reasons for both provisions, consequently, exclude from the right of Succession to the Crown of Portugal, the actual first-born of the distinguished House of Braganza, and in his person, as in law obviously acknowledged, necessarily all his descendants. A foreigner, through choice and preference of his own—a foreigner by treaties—the Cortes and laws of Lisbon exclude him, in accordance with those of Lamego. Deprived of present, future, and morally speaking, all possible residence within the Kingdom, he was in like manner excluded by the Letters Patent of 1642. And as it was necessary that the exclusion should commence at the very point where its essential causes and grounds began to operate, if the plea of his being a foreigner, and the moral impossibility of his residence were anterior, as in fact they were, to the 10th of March, 1826, when death snatched from Portugal a revered Monarch, the laws, together with all the Portuguese who respect and love them, award to the second son the Succession to the Crown, from which the said laws themselves had so justly excluded the first.

It did not escape the Three Estates of the Realm, that the exclusion of Dom Pedro had still another very important ground, viz.—that the Letters Patent above-mentioned, granted the Petition of the Cortes, and enacted, “that the oldest of the male children, when the King possessed two distinct Sovereignities, should succeed to the largest, and that the smaller should fall to the lot of the second.” It is undeniable that the last King, on Brazil being raised to the rank of a Kingdom, possessed two distinct Sovereignities, although not separate ones, and that on being separated by the law of November, 1825, he possessed them precisely within the conditions which the said Letters Patent provide for and consider them. To pretend that, in order to apply to the case in point, the last King ought to have possessed them separate, for some time, by right of inheritance, and in no other manner, is a manifest inconsistency, and straining the letter of the law, to the evident deterioration of its spirit—unworthy of a cause which ought to be treated with candour and gravity. To pretend that the Petition of the people, bearing

the grant and sanction of the Legitimate Sovereign, does not constitute a true law, is either a tergiversation, to which the weak only recur, or it amounts to a total ignorance of what our Laws, made in Cortes, substantially are. Hence is it, that the people at that time petitioned that the intrinsic form of the other laws should be given to this one, and with them that it should be incorporated in the national Code; but when they so petitioned, they did not look to the essence of the law; they looked, as they themselves declare, to its notoriety, and the high degree of respect and strength given to the laws by their external formality. The Estates, nevertheless, do not hesitate to lay this ground to one side, which, although extremely weighty, as it most assuredly is, they do not consider necessary to the present purpose.

Neither have the civil wars—the shameful violation of the country's laws—the unjustifiable and even despotic seizure of power—escaped them; in a word, they do not forget their venerable country, either attacked with hostile fury, or else neglected and insulted in its rights and dignity. But, as already stated, they feel a repugnance in touching only half-closed and delicate wounds, on which account they leave the vindication of an offended and outraged country to the justice of Divine Providence, and besides this, to the confusion of the guilty themselves, as well as to the severe censure of a cotemporary world and posterity.

On a view of reasons of such great weight, the Three Estates justly confide, that their Award and Resolution respecting the exclusion of Dom Pedro, and the restoration of the Crown of Portugal to his august Brother, will not be liable to any other objections than such as are merely specious. As some one, however, might attribute to fear that which could be no other than contempt, they have resolved to meet those same specious objections which might be raised, and make appear, even to the most profound men on the subject, that these same objections are no other than phantoms, which interest and party-spirit have seized upon, in the absence of a better weapon.

Dom Pedro is the first-born—and who denies this? Granted, and readily, that he possessed the rights of primogeniture, and if he had not lost them, previous to the 10th of March, they would still readily and constantly have been acknowledged. Notwithstanding the love which our august Sovereign has merited from the people, and which they have long devoted to him, it is not the Portuguese nation alone that sacrifices its passions, and even its best ones, to justice. Our Monarch would be the first to object to any attempts on the part of the people, if they, impossible as is the case, sought to attribute to him a right, robbed from another. The moderation of his royal mind is fully proved and well known. But, it may be asked, cannot the rights of primo-

geniture, like any others, be alienated, or lost? Most assuredly they can; and it has already been clearly shown, that Dom Pedro had actually lost them, previous to the 10th of March, 1826. It is a very different thing to disregard and violate a right still acknowledged, and acknowledge that a right has been lost. It is the last case that Portugal, without the smallest shadow of injury, and from which she is far removed, has been called upon to judge as regards Dom Pedro.

How then did it happen, it may be said, that Portugal had him for her King immediately in March, 1826? How was it that she accepted, swore to, and carried the Charter of the 29th of April into execution? How was it that he was retained in possession, and that the Kingdom continued to be governed in his name, and according to the law which he himself gave, till May or April, 1828? The answer is easy:—In exactly the same manner as we once had for our Sovereigns the three Phillips of Castile, when Portugal was held under their subjection for seventy years. We arrive at the same point, although by different ways.

The Three Estates would have wished to spare themselves the necessity of referring to the low cunning, the criminal means, and the occult and wicked stratagems of which a faction availed itself, in order to destroy the Kingdom, presuming, with very little judgment, that it would thus find its own elevation on the general ruin. But this is necessary, in order to defend the honor of our country, and all considerations ought to yield in the presence of so sacred a motive. Was there not a well-disciplined army, posted on the Portuguese frontiers, under the orders of a distinguished General? But, possibly, gold and promises were not wanting, when the insidious negotiation of D. Christovão de Moura was carried into effect, by lulling some and frightening others—by deceiving with apparent reasons and equivocal expressions, and even by falsely alleging the notice and interference of the Great Powers.

Good faith, ever inseparable from minds really royal, was then thrown off its guard; the voice of a wise and zealous Council was silenced; the contrary efforts of some honorable persons were undermined by machinations and disloyal expedients, and the sentence of Ayamento was renewed. What, in this case, could the unhappy Portuguese nation do? The legitimate Heir, in anticipation, placed at a distance of four hundred leagues from the Kingdom, and consequently unable to direct us—the Three Estates, whose duty it was to contend for our liberties, not convened—the people, without a leader, without any legal point of union, could not do otherwise than fluctuate, amidst anxiety and incertitude. The good Portuguese bewailed their condition in secret; whilst some of the most determined of them went beyond the frontiers, there

to record their protests : but the work of scandal prevailed, and the Kingdom was dragged on and forced to submit to the yoke thus imposed. And could all this prove the rights of Dom Pedro more than the events which occurred in 1580, proved those of the King of Castile ?

The Three Estates view the solemnity of an oath with the same profound respect that is due to the Sovereign Lord who is therein invoked, and acknowledge its extremely great importance in the government of human societies. They most sincerely regret, in our times, to see it prostituted, and on this very account despised, by such sacrilegious irreverence shown towards the Divine Majesty, to the enormous injury of men and commonwealths. They cannot, however, grant that the oath does not fail to become null and void, when applied to an illegal act—when it has been extorted by violence, and when from its observance necessarily would result the violation of the rights of persons and of nations, and above all the complete ruin of the latter. Such, in fact, is the oath to which the present objection alludes. To keep such an oath, would not amount to less than the stripping our country of life, and no solemnity whatever of an oath can compel any one to become the parricide of his country.

If, however, the Portuguese received through violence and endured with repugnancy a yoke which they abhorred, was not Dom Miguel also induced and compelled, in foreign countries, to make declarations of his having no right to the Crown of Portugal, as well as promises to come and govern the Kingdom as Regent, and in the name of his Brother ? Why and wherefore ? It appears to the Three Estates that, by this interrogation alone, the vaunted objection itself is destroyed. They expect to find no answer ; but if, contrary to their expectations, any should be given, Portugal will break that silence to which the respect due to illustrious nations, for the present, binds her Representatives. They will, nevertheless, add, that even although Dom Miguel, for his own interest, should have wished to compromise, not to involve himself in disputes, which might, although unjustly, be charged with ambition—even although he were to prefer following the most exalted moderation, could such a line of conduct annihilate his rights ? And even although these rights were held as annihilated, is not this a point that belongs to the Portuguese nation, and to the Portuguese nation alone to decide ?

The law of the 15th of November, 1825, has been alleged, in which His Majesty King John VI. whom God keep in glory, treats Dom Pedro de Alcântara as Prince Royal of Portugal and Algarves, and as Heir and Successor to these realms, at the very same time that he decrees the separation between Portugal and Brazil. Although this were considered as a direct and positive declaration of the continuation of Dom Pedro'

rights, it certainly cannot be admitted as such, this construction being evidently unwarranted; the essential object of the law being quite otherwise; and if, as the Three Estates judge most probable, the mention merely originated in the compliance with an usage totally indifferent, as regards the part of the narrative, or in an inadvertent repetition of ancient forms, which escaped the composer of the document, the circumstance proves nothing either against, or in favour of our question.

If, however, it is wished to say that it was neither a positive declaration, an indifferent usage, nor a mere mistake of the composer, but rather a cautious insinuation with which the Legislator sought to uphold the rights of Dom PEDRO, which, by the legal separation, he saw, in the opinion of the world, were left unguarded, three answers then occur. The first is, that this very acknowledgment of the vacillation in which the rights of Dom PEDRO were left, without being favourable to him, strengthens those of his Brother: secondly, that it cannot be true that King JOHN VI. wished to sacrifice the rights of one Prince to the aggrandizement of another; nor is it credible that he could have wished to resolve a point of such immense importance, without the concurrence of the Three Estates of the Realm, which so judiciously and fully he had just before declared indispensable in matters relating to the Fundamental Laws, in the memorable Law of the 4th of July, 1824: thirdly, that if such had been the will of the Legislator, which amounts to an impossibility, the Three Estates could not, and will not, agree thereto.

Every thing which, without the consent of the Three Estates, at least legally, clearly, and readily inferred, is arranged and practised as regards the Fundamental Laws, and especially as regards the right of Succession to the Throne, is not only abusive and illegal, but also invalid and of no effect; an assertion which the Three Estates do not take from the public writer, VATTEL, but from universal law, or rather reason, and in which they agree with what our ancestors have already said, when equally assembled in Cortes, in the year 1641. "And pre-supposing," says the Resolution passed in that year, "as a certainty in law, that to the Kingdom only does it belong to judge and declare the legitimate Succession thereof," &c.

Persons impugn, or rather pretend to impugn, the rights of our Sovereign King and those of the Portuguese nation, by reminding us that the acknowledgment by the Sovereigns of Europe of Dom PEDRO, as King of Portugal, was done so *de jure* and not *de facto*.

The Three Estates ought, and wish here to abstain, from every answer that may not be perfectly circumspect, or that might be offensive to the respect due to the Sovereigns, or the importance of their own character

as, however, that same respect due to the Sovereigns requires that some answer should be given to this plea, the Three Estates reply thus—

They well know that the turbulent and rash faction, by the words, cautiously employed of "*Aucient Laws—Primogeniture,*" &c. dazzled and deceived the European Powers, who, discreetly adhering to their noble system of Legitimacy, acknowledged him and seemed, without perceiving it, to corroborate by their acknowledgment, a most enormous deviation from the Laws, as well as the most daring insult hitherto levelled against the great and respectable principles of Legitimacy. But this is no other than a deception practised on the said Powers, or, at most, a crime committed by factious men, who do not hesitate at such commission. And could a deception on the part of the said Powers, or rather, a crime committed by factious men, injure the rights of our Sovereign, or ours? If the European Powers were to condescend to answer this question, most assuredly they would say—No.

What now remains, is, to request the said Powers, and to hope, as the Three Estates of the Realm confidently do hope, from their well-known wisdom and justice, that, on the internal affairs of Portugal, and, particularly, as regards the Fundamental Laws thereof, and the right of Succession to the Throne, they will listen to the solemn testimony of the Portuguese Nation, in preference to the sophisms and treasonable insinuations of a faction; well assured that in this manner they will not hesitate, as regards the pretended rights of Dom PEDRO to the Crown of this Realm, to correct their judgment as soon as possible.

All which, being well considered and deliberately weighed, the Three Estates of the Realm, finding that most clear and peremptory Laws excluded from the Crown of Portugal, previous to the 10th March, 1826, Dom PEDRO and his descendants, and for this same reason called, in the person of Dom MIGUEL, the second line thereto; and that every thing that is alleged, or may be alleged to the contrary, is of no moment; they unanimously acknowledged and declared in their respective Resolutions, and in this general one also do acknowledge and declare, that to the King our Lord, Senhor Dom Miguel, the first of that name, from the 10th day of March, 1826, the aforesaid Crown of Portugal has belonged; wherefore, all that Senhor Dom Pedro, in his character of King of Portugal, which did not belong to him, has done and enacted, ought to be reputed and declared null and void, and particularly what is called the Constitutional Charter of the Portuguese Monarchy, dated the 29th of April, in the said year, 1826. And in order that the same may appear, this present Act and Resolution has been drawn up and signed by all the persons assisting at the Cortes, on account of the Three Estates of the Realm. Written and Done in Lisbon, this 11th day of the month of July, 1828.



ESTATES OF THE CLERGY.

Patricio, Cardinal Patriarch  
Father Joaquim, Bishop of Coimbra and Conde de Arganil  
Joaquim, Bishop of Castello Branco  
Francisco, Bishop of Vizeu  
Antonio, Bishop of Bugia, Suffragan and Vicar Capitular of Evora  
Father Manoel, Bishop of Deão  
Francisco, Bishop of Vizeu and as Proxy for the Bishop of Leiria  
Principal Decano  
Principal Silva  
Principal Menezes  
Principal Lencastre  
Principal Camara  
Principal Menezes, as Delegate of the Principal Royal Court  
Principal Furtado  
Doctor Father Jose Doutel, Abbot General and Grand Almoner  
Manoel, Grand Prior of Aviz  
Jose, Grand Prior of Palmella  
Antonio Pinheiro de Azavedo e Silva, Vice-Rector of the University  
Dom André da Conceição, General Substitute for the Congregation of  
the Regular Caons of Santa Cruz de Coimbra  
(TOTAL 19 and 1 Proxy.)

ESTATE OF THE NOBILITY.

Duke of Cadaval  
Duke of Lafões  
Marquess of Lourical  
Marquess Mordomo Mór  
Marquess de Tancos  
Marquess de Pombal  
Marquess Monteiro Mór  
The Conde de Redondo, as Proxy for the Marquess de Penalva  
Marquess de Vagos  
Marquess de Sabugosa  
The Marquess de Viana, and as Proxy for the Marquess de Bellas  
Marquess de Vallada  
Conde de Povolide  
Conde de Cea  
For my brother, Dom Jaime Caitano Alvares Pereira de Mello, the Duke  
de Lafões  
Conde de Cintra  
Conde de São Miguel

Conde de Porto Santo

Conde dos Arcos

Conde de Penafiel

Marques Mordomo Móf, as guardian of my nephew the Conde de Valadares

For Conde de Carvalhaes, the Duke de Lafões

The Marquess de Sabugosa, as Proxy for Conde de São Lourenço

Conde de Rio Pardo

Conde de Murça

Conde Porteiro Mór

Visconde de Bahia, as Proxy for Conde de Mesquitella and Conde de Sampaio Antonio

Conde de Peniche, for himself and as Proxy for Conde de Povoa

Conde da Louzá, Dom Diogo, for himself and as Proxy for his father-in-law

Marquess de Viana, as Proxy for the Condes da Figueira and Conde de Pombeiro

Conde de Anadia

Conde de Castro Marim

Conde das Galvéas

Conde de Barbacena Francisco, for himself and his father the Conde de Barbacena

Conde de Lapa

Marquess de Pombal, as Proxy for Conde de Rio Maior

Conde de São Vicente

Marquess de Tancos, as Proxy for Conde de Bobadella

Conde de Vianna

Conde Barão de Alvito, for himself, and as Proxy for his father-in-law, the Marquess de Alvito

Conde de Almada

Conde da Ega

Conde de Belmonte

Baron de Sande, as Proxy for Conde de Camarido

Conde de Redonda, for himself, and as Proxy for Conde de Soure

Conde d'Atalaia

Conde d'Alhandra

Conde da Redinha

Visconde de Bahia, for himself and Visconde João de Bahia

Visconde de Juromenha João, for himself and his father the Visconde de Juromenha

Visconde de Santarem

Visconde de Azurara

Visconde de Magé

Visconde de Porto Covo de Bandeira

Visconde de Manique do Intendente

Visconde d'Estremoz

Baron da Villa da Praia

Antonio Jose Guião, as Proxy for Visconde de Villa Nova da Rainha

Baron de Sande, for himself, and as Proxy for the Barons de Villa Franca, de Queluz, and de Quintella

Baron d'Albufeira

Baron de Zambujal

Visconde de Porto Corvo de Bandeira, as Proxy for the Baron de Beduído

Dom José Francisco de Lencastre

The Councillor Manoel José Sarmento

The Councillor Joaquim José Monteiro Torres

The High Chancellor of the Kingdom, Antonio Gomes Ribeiro

The Chancellor of the Casa da Supplicação, João de Mattos Vasconcellos Barbosa de Magalhães

The Councillor Intendant-General of Police, José Barata Freire de Lima

Dom Francisco de Mello Manoel da Camara

Francisco Peixoto Pinto Coelho

The Councillor João Manoel Placido de Moreas

The Councillor Manoel José Maria da Costa e Sa, and as Proxy for the Councillor of State, Ignacio da Costa Quintella

The Desembargador do Paço and Honorary Judge da Coróa e Fazenda, Victorino José Cerveira Botelho do Amaral

The Councillor Doctor José Joaquim da Cruz e Carvalho, for himself and as Proxy for the Councillor Antonio Pedro d'Alcântara Sa Lopes

The Councillor, Alderman of the Senate and João José Mascarenhas de Azevedo e Silva

Joaquim José Ferreira Cardoso da Costa Castello, Lord of the City of Sarem and Alcaide Mór of Cêa

Marcos Caetano d'Abreu Menezes, of the Council of His Majesty

The Councillor da Fazenda, Antonio Xavier de Moraes Teixeira Homem, for himself and as Proxy of the Baron do Sobral, and the Councillor Antonio Avellino Serrão Diniz

José Anselmo Correia Henriques

João de Carvalho Martins da Silva Ferrão, of the Council of His Majesty

The Desembargador do Paço, Lucas da Silva Azeredo Coutinho, Procurador da Coróa

The Councillor and Desembargador do Paço, José Pedro da Costa Ribeiro Teixeira

The Councillor da Fazenda, José de Mello Freire

The Councillor of the Board the Royal Revenue, and as Provedor of the Chapels of King Dom Alonzo the Fourth, Diego Vieira de Tovar Albuquerque

Doctor João de Figueiredo, of the Council of His Majesty, Desembargador Decano de Appeals, and Honorary Member of the Desembargo do Paço Luiz de Paula Furtado de Castro do Rio de Mendouça

The Councillor Joaquim Estanislão Rodrigues Ganhado

The Councillor da Fazenda, Jeronymo Caetano de Barros Araujo Beça

The Councillor of State, Joaquim Pedro Gomes de Oliveira

The Councillor and Alderman of the Senate, José Ignacio de Mendouça Furtado

The Councillor de Ultramar, Manoel Ignacio de Sampaio e Pina

The Councillor do Ultramar, Doctor João Antonio Rodrigues Ferreira

The Councillor Carlos Felix Giraldes May

The Desembargador do Paço, José Antonio da Silva Pedrosa

The Desembargador do Paço, Francisco José de Faria Guião for himself, and as Proxy of the Baron de Castello Novo Joaquim

The Desembargador do Paço, Manoel José de Arriaga Brum da Silveira

The Desembargador do Paço José Joaquim Rodrigues de Bastos

The Councillor Domingos José Cardoso

The Councillor and Procurador of the Real Fazenda, Antonio José Guião José Maria Sinel de Cordes, Mayor of the City of Alvalade

The Councillor Luiz José de Moraes Carvalho

The Councillor José Ignacio Pereira de Campos

The Councillor José Pedro Quintella

The Councillor Alexandre José Picaluga

José Antonio d'Oliveira Leite de Barros, Councillor of State

Thomas Antonio de Villanova, Portugal, of the Council of State, and as Proxy of Manoel Vicente Teixeira de Carvalho, Councillor of State

Joaquim Guilherme da Costa Posser, of the Council of His Majesty

Antonio Thomas da Silva Leitão, of the Council of His Majesty

The Desembargador do Paço, Pedro Alvares Diniz

Francisco José Vieira, of the Council of His Majesty

José Maria Dantas Pereira, of the Council of His Majesty

José Ribeira Saraiva, Councillor da Fazenda.

(Dukes, 2; Marquesses, 13 and 2 Proxies; Counts and Viscounts, 35 and 5 Proxies; Barons, 4 and 4 Proxies; Chancellors, Judges and Councillors, 50 and 6 Proxies; Total Nobles and Privileged Orders, 121.)

#### ESTATE OF THE PEOPLE.

Marquess de Borba, President—José Accursio das Neves, Deputies for Lisbon

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- Luiz de Macedo Guerreiro Siqueira Reimão—João Barreiros Galvão da Gama, Deputies for the City of Evora
- João Bernardo Pereira Coutinho de Vilhena e Napoles—João da Cunha de Sequeira Brandão, Deputies for Coimbra
- João Farto Franco—Doctor Francisco Raymundo da Silveira, Deputies of Santarem
- Pedro Manoel Tavares Paes de Souza—Manoel Christovão Mascarenhas Figueiredo, Deputies of Tavira
- Manoel Pereira Coutinho de Vilhena—José de Lemos Mello e Vasconcellos, Deputies of Lamego
- João José de Magalhães Pinto, actual Juiz de Fora of Silves, Manoel Raymundo Telles Corte Real, Deputies of Elvas
- Luiz, Bishop de Béja—Francisco de Brito Lobo e Castanheda, Deputies for Béja
- João Pereira da Silva da Fonseca—Gonçalo Barba Alardo de Lencastre e Barros, Deputies of Leiria
- Francisco de Assis da Fonseca, as Proxy of João Diogo de Mascarenhas, necessarily absent, who is Deputy of Faro—Fernando José Moreira de Brito Pereira do Carvalho e Visconcellos, Deputies of Faro
- João Antonio d'Azevedo de Magalhães—Alvaro de Macedo Pestana Coutinho de Vasconcellos, Deputies of Lagos
- João Lobo de Castro Pimentel—Luiz Coutinho d'Álbergaria Freire, Deputies of Estremoz
- Valerio Maximo de Brito Fragozo Amado—Francisco Maria de Villas Lobos e Vasconcellos—Cogominho Salema Barreto, Deputies of Monte Mór o Novo
- Luiz, Prior Mór da Ordem de Christo—Antero José da Maia e Silva, Deputies of Thomar
- Antonio Ferreira de Castro Figueiredo—José Ignacio de Moraes, Deputies of Braganza
- José da Costa e Andrade—João Baptista da Costa, Deputies of Portalegre
- Francisco d'Almeida Freire Corte Real—Francisco Camolino, Deputies of Corvilhá
- Joaquim José Maria de Souza Tavares, Deputy of Setubal
- Antonio Colmeiro de Moraes, Deputy for Villa Real
- Antonio de Sá Pinto Abreu Soutomajor—João de Sá Pinto Abreu Soutomaior, Deputies of Viana do Minho
- Alexandre Malheiro de Souza e Menezes—João Lopes de Calheiros e Menezes, Deputies for Ponte de Lima
- Francisco de Paula Limpo Quaresma—Vicente Ignacio da Rocha Peniz, Deputies of Morah

## XXVIII

- Gonçalo Manoel Peixoto—José Pedro Moiz de Figueiredo, Deputies of Alemquer
- Luiz d'Atouguia Souza Coutinho, Deputy of Torres Novas
- Nicolão Joaquim das Neves Antunes—Policarpo Joaquim de Fontes, Deputies of Cintra
- Viriato Sertorio de Faria Blanc—João Felix dos Santos e Paz, Deputies of Obidos
- For myself, and as Proxy of Francisco de Paula Leite—Manoel José Carreiro de Gouvêa, Deputies of Alcaçer do Sal
- The Vicar da Vara, Joaquim Miguel d'Oliveira Ferraz—Thomaz Antonio da Costa e Mello, Deputies of Almada
- Marquess of Lavradio Dom Antonio, Dom Prior de Guimarães, Deputies of Torres Vedras
- Francisco d'Assis Salgueiro—Manoel Bernardes Pestana Goulão, Deputies of Villa de Niza
- Barão de Castello Novo—Pedro d'Ordas Caldeira de Valladares, Deputies of Castello-branco
- Francisco Dias Loureiro—José Perreira Cortez de Lobão, Deputies of Serpa
- Luiz Nicolão Faria—Joaquim Anacleto Rozado Esquivel, Deputies of Mourão
- Antonio Carneiro de Figueiredo Pereira Coutinho de Vilhena Rangel—Colonel José Carneiro Pizarro, Deputies of Villa do Conde
- Baron de Tavarade—the Colonel Antonio da Costa Coutinho Lopes Tavares, Deputies of Trancozo
- Antonio Maria Cardozo da Costa Cabral, Deputy of Pinhel, for myself and for his Excellency the Bishop, Dom Manoel da Silveira Gama Castello Branco
- José Militão de Carvalho, Deputy of Arronches
- Francisco Falcão de Mello e Lima—José Ignacio de Torres Macedo Reynono, Deputies of Aviz
- Jose Joaquim Freire Pimental de Avellar Luiz—Antonio Ferreira Bairrão, Deputies of Abrantes
- Simão José d'Azevedo e Silva Lobo, Sebastião Alexandre da Gama Lobo Passanha, Deputies of Loulé
- José Barreto Cotte Castellino, Deputy of Alter do Chão
- Father João Feliciano de Palma Maldonado, Deputy of Alegrete
- Prior José d'Oliveira Leitão—Antonio de Gouvêa da Maia Ozorio, Deputies of Penamocór
- Fernando de Guadalupe Mozinho—Ignacio Cardozo de Barros Castello-branco, Deputies of Castello de Vide
- Manoel de Mendonça Figueira de Azevedo Pinto Souza—João Antonio Ribeiro de Souza Almeida e Vasconcellos, Deputies of Castello Rodrigo

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- The Prior João Estação Mourato—the Bachelor Joaquim José de Mattos Magalhães, Deputies of Marvão
- The Bachelor Joaquim José Ferreira Victor dos Reis—the Desembargador dos Aggravos of the Casa da Supplicação, José Vicente Chicorro de Casal, Deputies of Cerna
- Francisco Antonio Chicorro da Gama Lobo, Deputy of Monforte Alemtejo
- João Rebello Paiva Lobato—Joaquim Manoel Namorado, Deputies of Fronteira
- Manoel Sancho Biscaya e Silva—António Vaz Camões de Figueiredo, Deputies of Crato
- Father Joaquim José Dias Ramos, Deputy of Veiros
- Diogo Pereira da Gama—Father Dom José Maria Carvajal Vasconcellos Gama, Deputies of Campo Major
- Felix José Lopes Ramos, Deputy of Castro Marim
- Francisco d'Assis da Fonseca, Proxy of Bernardo Thomas de Gouveia Vasconcellos, Deputy of Moncorvo
- Pedro Alexandrino Migueins Taurino—Bento Paes de Sande e Castro, Deputies of Palmella
- João Anastacio Frade de Almeida—Ambrozio José Capeto, Deputies of Cubeco de Vide
- José Antunes Ramos Ferreira—Antonio Joaquim da Silva Crespo, Deputies of Monsanto
- Fernando Pereira de Faria Cotta Falcão—Antonio Nuno da Fonseca, Deputies of Coruche
- The Capitão Mór, Antonio de Mattos Faria e Bárboza—Joaquim de Magalhães e Mezezes, Deputies of Barcellos
- The Beneficiary Pedro Antonio Gonçalves Vaz de Azevedo—the Beneficiary Antonio José Machado de Azevedo, Deputies of Caminha
- Jacinto José Palma, Deputy of Garvão
- Ignacio José de Vilhena, Deputy of Panolas
- José da Silva Attaide da Costa—José Manoel Peixoto de Azevedo Souza Machado, Deputies of Ourem
- Antonio, Archbishop of Lacedemonia—Candido Rodrigues Alvares de Figueiredo e Lima, Deputies of Chaves
- Joaquim Romão Gomez Carlos—Francisco de Paula de Mendouça Corte Real, Deputies of Albufeira
- Jacinto José de Sequeira—José Gonçalves de Sá, Deputies of Ourique
- The Capitão Mór Manoel José Mendes de Carvalho—Antonio Joaquim Fante, Deputies of Arrayollos
- José Victorino Zazarte Coelho da Silveira—José Cardoso Moniz Castello Branco, Deputies of Borba

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- Ignacio Pedro Rozado Guão**—Balthazar Cavaleiro Lobo d'Abreu e Vasconcellos, Deputies of Portel
- Diogo da Cunha Soutomaior**—Antonio Lourenço de Mattos Azambuja, Deputies of Villa Viçosa
- José Fialho Caeiro**—Joaquim Romão Mendes Papança, Deputies of Moncaras
- Father Joaquim José Rodrigues**—Antonio Cesar Vieira d'Horta, Deputies of Attongula
- Joaquim Manoel de Moraes de Mesquita Pimentel**, and as Proxy of **Alres Guedes Coutinho Garrido**, Deputies of Penella
- Jorge Manoel Lobo Pimentel**—Francisco Eleuterio de Faria Mello, Deputies of Sant-Iago de Cassem
- Francisco Joaquim de Castro Pereira Corte Real**, Deputy of Exio
- The Councillor João Manoel Guerreiro de Amorim**, Deputy of Villa Nova da Cervetra
- The Father Luiz Antonio da Cruz**, Deputy of Vianna Alemtejo
- João Collares d'Andrade**—Vernancio Pinto do Rego Cea Trigueiro, Deputies of Porto de Moz
- Balthazar de Souza Botelho de Vasconcellos**, for myself, and as Proxy of the **Desembargador João Gaudencio Torres**, Deputies da Villa de Pombal
- Father João Maria Alvares Freire Tavares**—Pedro José Limpo Toscano, Deputies of Alvito
- Manoel Ignacio de Mello**—Joaquim José da Palma, Deputies of Mertola
- João Antonio da Fonseca**, Deputy of Villa Real de Santo Antonio
- João Gonçalves Figueira Rio**, Deputy of Lago
- Bernardo José de Souza da Fonseca**, Deputy of Freixo d'Espada a cinta
- Domingos Manoel Annes Coutinho**, Deputy of Montalegre
- Father Joaquim de Carvalho**, Deputy of Goa
- 153 Delegates, representing 84 Cities and Towns.—GRAND TOTAL 294.

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### APPENDIX F.

ADDRESS OF THE PORTUGUESE NOBILITY TO THE REGENT, DOM MIGUEL, PRAYING HIM TO TAKE THE CROWN OF PORTUGAL AND ABOLISH THE CHARTER.

The undersigned members of the Nobility, for themselves and as the Representatives of their Body, approach, filled with the greatest respect and regard, and beseech your Highness to be pleased to accede to the wishes of a whole nation, that desires and requires to see your Highness



seated on the throne of your August and Royal Predecessors, and which, besides, according to the fundamental laws of this Monarchy, in strict right, belongs to you.

The Nobility of Portugal always were, are, and ever will be, the firmest support of the Throne. At all periods, even the most memorable recorded in history, they have given the most decided proofs of their honor and fidelity; and at this particular juncture, they cannot fail to take an active part in the momentous affair of general interest which at present agitates the whole nation.

The Nobility, therefore, have the honor to manifest to your Highness the necessity of carrying your pure and loyal desires into effect, by submitting to you that the most sure means of realizing them, and also the most conformable to your Highness's dignity, as well as to the fundamental laws of this Monarchy, is, the immediate convocation of the Three Estates of the Realm, done according to the ancient usages and customs, in order therein to treat, in a legal manner, of a matter of the highest importance, which is, solemnly to acknowledge the legitimate rights of your Highness to the Crown of Portugal and the Dominions thereof; and to abolish what is called the Constitutional Charter of the Portuguese Monarchy, because it was given by a Monarch before he had been sworn and acknowledged by the nation as King of Portugal, and which essentially altered the form of the Succession of the Kingdom, contrary to the fundamental laws of the same.

To the high wisdom of your Highness the Nobility confide the glorious end of so just and blessed an undertaking, for the general welfare of the nation, and in the mean while it only devolves upon them fervently to pray, and confidently to hope, that your Highness will be graciously pleased to accept their wishes kindly, and provide an early remedy to their supplications.

Signed,

| Duke.                 | Counts.      | Principals.     |
|-----------------------|--------------|-----------------|
| LAFÕES                | SAN LOURENÇO | MENESES         |
| Marquesses.           | FIGUEIRA*    | LANCASTRE       |
| LOURIÇAL*             | CASTRO MARIN | CORTE REAL      |
| BORBA*                | BARBACENA*   | CAMERA          |
| TANCOS*               | MURÇA*       | FURTADO         |
| OLHÃO                 | CINTRA*      | Chief Priors of |
| SABUGOSA              | PARATY*      | GUIMARÃENS      |
| LAVRADIO (D. Antonio) | VALADARES    | AVIZ            |
| PENALVA*              | PENICHE*     | Viscounts.      |
| TORRES NOVAS*         | ALHANDRA     | BAHIA           |
| BELLAS*               | EGA*         | SOUSEL          |
| VELADA*               | RIO MAIOR*   | TORRE BELLA     |

| Marquesses.       | Counts.           | Viscounts.            |
|-------------------|-------------------|-----------------------|
| POMBAL*           | POVOA             | MAGE                  |
| VAGOS*            | POVOLIDE          | VILLA NOVA DE ROYN TA |
| VIANA*            | ANADIA            | ESTREMOZ              |
| ALVITO*           | REDINHA           | JERUMENHA             |
|                   | POMBEIRO          | SOUTO D'EL REY        |
| Counts.           | ARCOS (D. Marcos) | AZURARA               |
| SAN MIGUEL*       | SUBSERRA          | MANIQUE               |
| BELMONTE (Vasco)  | LOUSAN (D. Luis)* | BEIRA                 |
| BELMONTE (D José) | RESENDE*          | VEIROS                |
| ALMAIDA*          | PONTE*            | Barons.               |
| SOUTRE*           | GALVEIAS*         | SOBRAL (Gerardo)      |
| REDONDO           | BARON D'ALVITO    | VILLA DA PRAYA        |
| SAN VINCENTE*     | LAPHA*            | BEDUIDO               |
| VIANNA            | Viscount.         | SANDE                 |
| ATALAYA           | ASSECA            | PORTELLA              |
| OEA*              | Principals.       | QUELUZ                |
| PORTO SANTO*      | SILVA             | TAVAREDE              |
| CARVALHÃES*       | FREIRE            | QUINTELLA             |
| MESQUETELA*       |                   |                       |

D. Fernando D. Almeida and many others, who, although not the bearers of titles, nevertheless are members of the Nobility, have also signed the address.

[Those marked with asterisks were Peers of the Realm by virtue of Dom Pedro's own appointment.

## APPENDIX G.

### REPRESENTATION OF THE REGENCY OF LISBON TO THE PROVISIONAL JUNTA ESTABLISHED AT OPORTO.

The Governors of the Kingdom to the Junta which formed itself in the City of Oporto, and which calls itself the Supreme Junta of the Kingdom.

The Governors of the Kingdom, considering that the most sacred right intrusted to them by our august Sovereign, is that of maintaining peace between the inhabitants of the kingdom, and preserving unimpaired the unity of the crown, together with the independence of the monarchy, have put in force the extraordinary powers reposed in them by the King for urgent occasions; and, acting as the interpreters of his paternal sentiments, have resolved in his royal name to convoke the Cortes, which are forthwith to assemble.

This is the day in which letters are despatched to all the corporations of the kingdom, inviting them to proceed to the election of representatives, conformably to the usages and customs of the nation. Let this, therefore, be the auspicious day of concord for all who have the hearts of Portuguese. The Governors of the kingdom comprehend in their pure desires—in their well-founded hopes, the very Junta which has been established in the city of Oporto, and do not hesitate to address to it, as well as to all the other classes and individuals of the nation, the words of reconciliation. Let our hearts bury in perpetual oblivion the memory of recriminations and errors which have been committed, either voluntarily or by inadvertence, and let them begin a new era of harmony and mutual confidence, by means of the ties that shall be formed between the Sovereign and the representatives of the nation, legitimately assembled in the royal name.

Penetrated with these sentiments, the Governors of the kingdom cannot cease to repeat the wish which they have solemnly announced, declaring that the Portuguese of all classes, who listened to the voice of the Government of Oporto, and joined it for a short time against the legitimate Government of the kingdom, need dread neither hatred, nor vengeance, nor punishment, on account of the late political events.

On receiving the first intelligence of the events of the 24th of August from the city of Oporto, the Governors of the kingdom could not but characterize with severity the conduct of the military, who burst the bands of discipline, and of a Junta, who, being self-elected, and without obtaining the appearance of legal rights—without power emanating from the King, or any acknowledged mission from the people—entitled itself the Supreme Government, and arrogated the right of convoking the Cortes. But, at the same time that the Governors of the kingdom censured, as they deserved, acts so illegal and imprudent, they never ceased to admit that the greater part, and perhaps even the whole, of the individuals who so compromised themselves, might be excited to such conduct by too great an exaltation of sentiment, otherwise pure, or by insidious foreign intrigues, of which they were ignorant. On this account, the Government formed the only resolution which could save the country from the horrors of a civil war; and convoked the Cortes, which thus receive from the representatives of the Sovereign, a character of legality which those Cortes never could have which were announced by the Junta of Oporto.

You are Portuguese; and this glorious title which belongs to you, is sufficient to assure us that neither falsehood nor dissimulation have found a place in your breasts. Be therefore faithful to your own declarations, and consistent with yourselves. You proclaimed your attachment to the

holy Catholic religion—we all have it engraved on our hearts. You proclaimed your loyalty to the august Sovereign who reigns over us—and the whole of the nation acknowledges his dynasty, and stands firm in its obedience. As to the Cortes, they are already convoked in the name of the Sovereign; as to the Constitution, the same convocation secures one, founded in the ancient laws of this Monarchy—laws which governed our forefathers in the days of their prosperity—in the epoch of their triumphs. If, then, what you have openly proclaimed be what you sincerely desired, your wishes are already accomplished; and nothing remains for you now, but that, divesting yourselves of an authority which you have hitherto exercised without any legal title, and which from this moment you must exercise without any reasonable pretext, you should give to the world and to posterity a public proof that in your past conduct you have neither been actuated by passion nor ambition; that your declarations have been sincere, and that you do not desire to expose the kingdom to the danger which must result from the prolongation of a contest between its provinces; nor to open the way for foreign powers to attack our independence, in the midst of our divisions, which they have always respected when they saw us united.

Consider that there is no time to lose—we are on the brink of a precipice. Already citizens are armed against citizens—already the Commanders of the troops who are subject to you threaten our cities and our towns with the loss of their rights and privileges, for their opposition to their views: they menace the officers and soldiers who refuse to join them, with the trial and punishment of traitors! One step farther and we are plunged into civil war—bathed in the blood of our brothers—and threatened with a series of revolutions which can terminate only in the dissolution of the monarchy.

To you, and to you alone, will be attributable such mighty calamities; on your head will press, to the most remote posterity, such an enormous responsibility, if you listen not now to the voice which is addressed to you by the Governors of the Kingdom. They have no other ambition but that of saving the nation and securing the public felicity; nor will they refuse to receive any representations which may lead to such an important, such a desirable object: and they hope that Providence, seconding their efforts, will hasten the happy day—a day most earnestly prayed for by them—in which they may be able to surrender into the Royal hands of our Sovereign the sacred and important deposit with which they are entrusted.

(Signed) Cardinal PATRIARCH.  
Marquess de BORBA.  
Conde de PENICHE.

Conde da FEIRA.  
ANTONIO GOMEZ RIBERO.

## APPENDIX H.

## SECRET TREATY BETWEEN PORTUGAL AND BRAZIL, &amp;c.

“ D. João, by the grace of God, Emperor of Brazil and King of Portugal and the Algarves, &c. Do make known to those who may see the present act of Confirmation and Ratification, that, on the 29th of August, in the current year, there was concluded and signed in the city of Rio de Janeiro, between myself and the Most Serene Prince, Dom Pedro, Emperor of Brazil, my ever-esteemed and much-beloved son, by the respective Plenipotentiaries invested with competent powers, a Convention for the settlement of the public claims of the Governments of Portugal and Brazil, reciprocally; the tenour of which Convention is the following :—

“ In the name of the Most Holy Trinity, &c. It being established in Article IX. of the Treaty of Peace and Alliance concluded under this date between Portugal and Brazil, that the public claims of one and the other Government should be reciprocally received and decided, either by the restitution of the objects claimed, or by an equivalent indemnity, both the High Contracting Parties agreeing, for the settlement thereof, to conclude a direct and special Convention; and afterwards considering that it would be a better mode of terminating the question by at once agreeing to a certain sum, every right to reciprocal and ulterior claims on the part of both Governments being thereby extinguished; the undersigned, Sir Charles Stuart, Privy Counsellor of his Britannic Majesty, &c.; Luis José Carvalho de Mello, of the Council of State, &c.; his Excellency the Baron of S. Amaro, Grandee of the Empire, &c.; his Excellency Francisco Villela Barboza, of the Council of State, &c.; under the mediation of his Britannic Majesty, by virtue of their full powers, have agreed to the following articles :—

“ Art. 1. His Imperial Majesty, on a view of the existing claims of Government against Government, agrees to give to Portugal the sum of Two Millions of Pounds Sterling, with this sum, all and whatsoever other claims, as well as all right to indemnities of this kind, being thus extinguished on both sides.

“ Art. 2. For the payment of this sum, his Imperial Majesty takes on the Treasury of Brazil the Loan which Portugal contracted in London, in the month of October, 1823, paying the remainder, in order to complete the aforesaid Two Millions Sterling, within the period of one year after the ratification and publication of the present Convention.

“ Art. 3. Are excepted from the rule laid down in Article I. of this Convention, the reciprocal claims in respect of the transport of troops, and expences incurred by the said troops. For the liquidation of those

claims it is agreed that a commission shall be formed, agreeably to the regulations provided by the 8th article of the Treaty before mentioned.

Art. 4. The present Convention shall be ratified, and the mutual exchange of ratifications shall take place in the city of Lisbon, within the space of five months, or less, if it may be.

"In virtue of which we, the undersigned Plenipotentiaries of his Majesty the King of Portugal and Algarves, and of his Majesty the Emperor of Brazil, by virtue of our plenary powers, respectively, have signed this present Convention, and have thereto affixed the seals of our arms," &c.

Ratified at Lisbon on the 25th of Nov. 1825.

## APPENDIX I.

### PROCLAMATION TO THE PORTUGUESE NATION.

PORTUGUESE!—It is not as your king that I am now addressing you; since my abdication has been completed, but as the Father of your legitimate Queen, Donna Maria II. and as her Guardian.

The compulsion under which my Brother, the Infante Dom Miguel, the Regent of the Kingdom, labours, is, in every point of view, clear and manifest. To entertain a contrary opinion would be an offence against his honor, which I deem untainted; it would amount to considering him a traitor to the assurances and protestations he made to me, whilst I was his King, and reputing him perjured in his oath, which he so freely and spontaneously took at Vienna, in Austria, and ratified at Lisbon, before the nation legally represented, in conformity with the Constitutional Charter, which was offered and granted by me to you, and accepted by himself and by you, and freely and solemnly sworn to.

A disorganizing faction laboured constantly in the midst of unhappy Portugal, under pretence of defending the throne and the altar, in disregard of all religious, civil and political considerations; it disputed the indubitable and imprescriptible rights by which your Queen legally ascended the throne of her ancestors—it domineered and lorded it over the Regent—it ruled the Kingdom—it dissolved the Chamber of worthy Deputies, distinguished by their deserts and merits—it did not immediately summon another, according to the 5th title, 1st chapter, 74th article, and 4th clause of the Constitutional Charter, thereby manifestly usurping the legislative power—it appointed a junta to issue fresh instructions (precepts or writs) for the election of deputies, whom it called legal. These are not warranted; but, on the contrary, it des-

troyed the Constitutional Charter by a single blow, by calling together the ancient Cortes, an institution already abolished by the oath to this very same Constitution—it praised and approved crimes committed against those citizens who were faithful to their oaths—it consented to, and even authorized the troops, who ought to have watched over the public safety, to commit atrocities in the very capital itself, under pretence of defending the throne and the altar. How far can misfortune carry incautions and weak men! Nor did it stop here. It lauded Portuguese soldiers when committing acts of insubordination against their chiefs—against commanders faithful to their oaths, resting on the two principal anchors—the throne and the altar!! What throne could consent to the committing of such crimes? What religion could enjoin the execution of such proceedings against decency, and the decorum due to respectable and distinguished families?

Oh, Portuguese! to what a pass is your unfortunate country come, under the dominion of fanaticism, hypocrisy, and despotism! If it were possible that your ancestors could rise up from their graves, they would suddenly drop down dead, on seeing the cradle of their victories transferred into such horrors.

You are worthy of a better fate: your happiness is in your own hands, as well as your ruin. Follow my advice, Portuguese; it is given to you by a philanthropic and truly Constitutional heart.

It is time that you should open your eyes, and all unite and stand by the oaths you have taken to the Constitutional Charter, and to the rights of your Queen. By doing this, you will not only save your country, but likewise my Brother, by defending the true throne and the true Roman Catholic and Apostolic religion. Give not the victory, oh, Portuguese! to the enemies of Constitutional monarchical governments, who wish to see perjurers placed upon thrones, in order to strengthen their arguments against such forms of government. Far be it from me to call my Brother a perjurer, or a traitor; he acts, no doubt, under compulsion; and I consider, and shall consider him in that light, as long as the heads of the disorganizing faction do not leave Portugal. Portuguese, stand by the Constitutional Charter; it is not of foreign growth—it was granted to you by a Constitutional King; and what evils has it brought upon you? Liberty, of which you had only a promise before; yes, Portuguese, bedew the tree of Liberty with your blood, and you will see how it will flourish amongst you, and bear fruits, in spite of all intrigues and machinations. Do not suffer your country to be assailed by the blows of perfidy and treason—that country which is already oppressed by a yoke of the most ferocious description. You are a free people—you form an independent nation; what more can you

hope for? The governments of Europe support the Legitimacy of your Queen. Fight for her and the Constitutional Charter, and fear nought in the shape of obstacles. Consider that the cause you are going to defend is the cause of justice, and that you are bound to it by an oath. The truth does not penetrate so far as into the presence of your Regent. Fanatics, hypocrites, demoralized and despotic men, have blinded him. The imminent danger to which his life is placed, makes him submit to this faction, the like of which has never been seen amongst the Portuguese people, who were ever free, from the commencement of the monarchy, as the pages of history prove. Follow the example of those ancient Portuguese; approach your Regent; speak to him plainly and respectfully, as those spoke to the King, Dom Alonzo IV. and tell him, "By the road your Highness suffers yourself to be led, you will inevitably plunge yourself into the deepest abyss; govern us conformably to the Constitutional Charter, which both your Highness and ourselves have sworn to, and know that this is the only legitimate course we choose to see adopted." If you do this, you will see that he, finding the Portuguese disposed to support him as Constitutional Regent, will withdraw himself from the shameful tutorage by which he is now ruled, and which would lead him to the precipice from whence he can never recede with honor; and he will throw himself into your arms, and, by governing you according to law, make you happy. Come to his assistance, Portuguese! otherwise he and you will become victims of anarchy. My conscience is free from rancour. I have explained the truth to you; if you choose to follow it you will be happy; if not, you will find the most refined despotism raising its neck amongst you, which you will never be able to crush again.

Rio de Janeiro, the 25th of July, 1828.

(Signed) The Emperor PEDRO.

(A true copy) FRANCISCO GOMEZ DA SILVA.

## APPENDIX K.

### " MINISTRY FOR THE AFFAIRS OF FINANCE.

" Various persons, of all ranks, having left these realms, subsequently to my return thereto, and many others being implicated in the rebellion which commenced in the City of Oporto, on the 16th of last May, who were either abettors of the said rebellion, or accomplices therein, consisting of persons who were at the time in Portugal, or for the same purpose came from without the kingdom; and as it would be incom-



patible with that justice with which I wish to govern my people, on the one hand, that such persons should fail to be punished according to those laws which they have themselves transgressed, and on the other, that there should not be in the penalties applicable to the guilty, that gradation which the laws themselves have established, I have thought proper to ordain :—

“ 1st. That no proceedings shall be instituted against those persons who left these realms with my permission, or by my orders, as long as the permissions so granted to them shall last, and I should not be pleased to allow those persons who went away by my orders to return to these realms, provided, nevertheless, subsequent to their departure therefrom, they have committed no acts which have rendered them criminal.

“ 2dly. That all those who have left these realms without my permission, shall lose, in conformity to the laws, and in the manner always practised in similar cases, the property belonging to the crown and military orders, of which they were the administrators, the revenue of which shall be collected into the Exchequer, separating, in all Crown property, the fifth, and in that belonging to the military orders, a tenth, and the levy, all which shall be placed in the hands of the Board charged to pay the interest on the Royal Loans, as has hitherto been the case; and through the death of the parties so implicated, the whole revenue of the said property shall be appropriated to the use of the said Board, charged with the payment of the interest on the loans aforesaid, in case there is no previous grant for one or more lives, in which case it is my will that the same shall be carried into effect.

“ 3dly. That, as regards all those against whom the crime of rebellion may be proved; the property belonging to the Crown, or the Military Orders, shall be confiscated, as well as all other property which they may possess, of whatsoever nature it may be, the whole of the same being collected and paid into the Exchequer, during the lifetime of the parties so implicated, in case corporal punishment cannot be inflicted upon them, with the same separation of a fifth, a tenth, and the levy, as enacted in the preceding clause; and in case of their death, the same shall be transferred over to the Board charged with the payment of the interest on the Royal Loans, as far as regards the property belonging to the Crown and Military Orders; whilst that which is in entail, and held in private right, shall be left for those to whom it may belong, according to the laws at present in force, &c. &c.

“ Palace of Ajuda, Aug. 4, 1828.”

(With the Rubric of the King.)

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REDFORD AND ROBINS, PRINTERS, LONDON ROAD, SOUTHWARK.

**NARRATIVE**  
OF  
**THE POLITICAL CHANGES & EVENTS**  
WHICH  
HAVE RECENTLY TAKEN PLACE IN  
THE  
**ISLAND OF TERCEIRA,**  
DESCRIBING THE  
MANNER IN WHICH THE NATIVES HAVE BEEN OPPRESSED  
BY A  
**LICENTIOUS SOLDIERY,**  
UNDER THE DIRECTION OF  
***A few ambitious & designing Demagogues.***

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BY AN EYE-WITNESS.

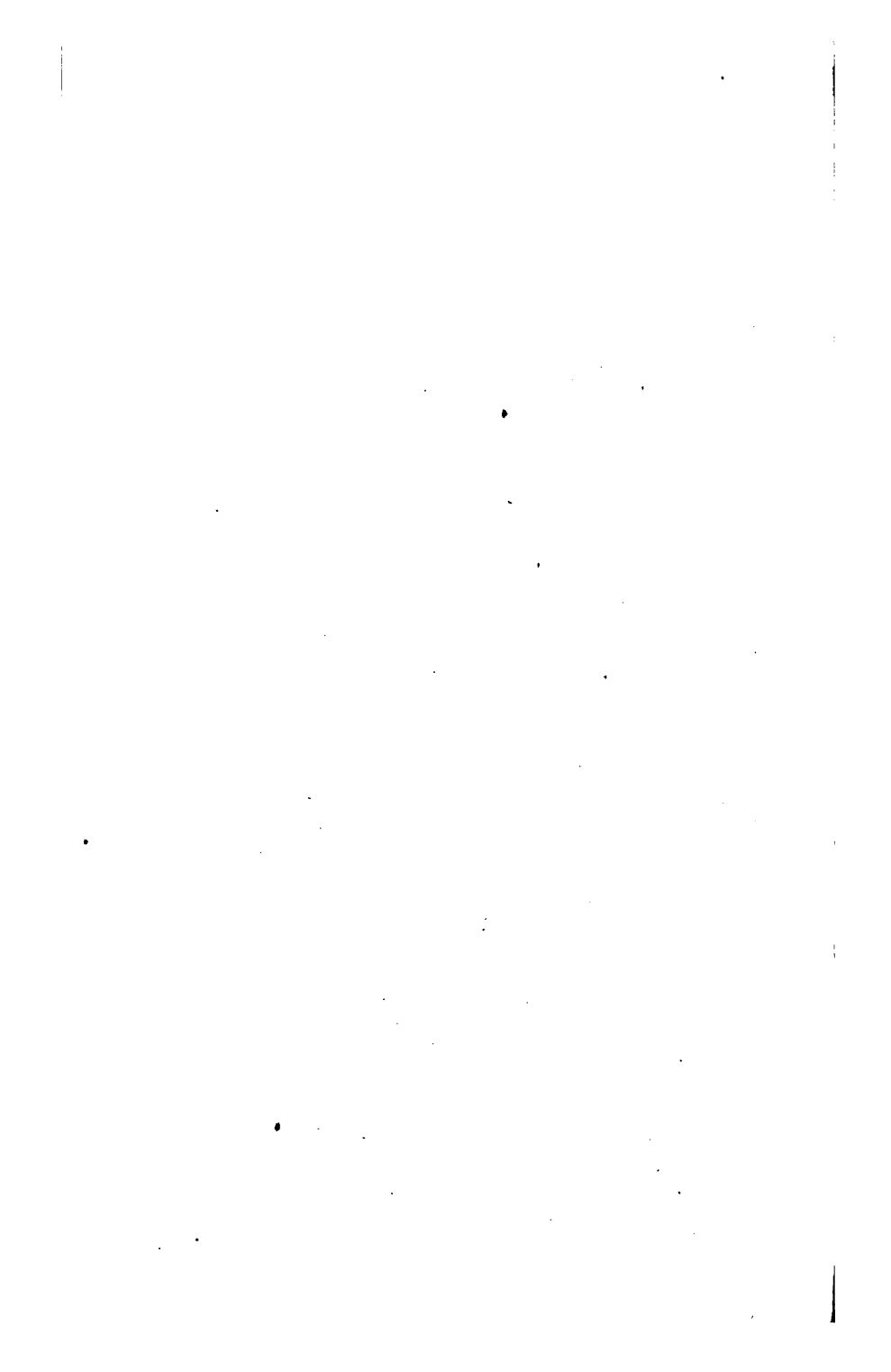
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1829.



## NARRATIVE, &c.



**T**HE Island of Terceira, which has lately come into particular notice, owing to the stand made there by Dom Pedro's partisans, is nearly the central one of the Nine, called the Azores, or Western Islands, and the seat of the general government for these insular Dependencies of Portugal. Terceira is about 60 miles in circumference, and contains a population of 40,000 souls. The city of Angra, situated on the South side of the island, is the capital and a bishop's see, as well as the residence of the Governor-General. It stands at the bottom of a bay, between two mountains, on the largest of which the castle is built, with extensive works, in such manner as to overawe the entire population below. The harbour is also secured from any attack on the sea-side, by several forts which command the landing and ornament the shore, on both sides of the harbour, for a considerable distance.

The form of the island is wider than that of St. Michael's, and although it still affords evidence of

volcanic formation, it presents elevated and fertile plains, uninterrupted by those cones and craters which distinguish the other parts of the Azores. Abounding in soil and situations, peculiarly favorable to vegetation, its productions are rich and varied. Possessing all the fruits, peculiar to European and Tropical climes, in the highest perfection, a wheat-field is seen at the side of an orange-grove, often bounded by forests of lofty pine, vineyards, or pasture-grounds. The peasants are of a hardy and frugal race, chiefly devoted to agriculture and the breeding of cattle, or employed as fishermen. The farmers, peaceable and contented, lead a kind of primitive life, satisfied to barter the surplus of their produce for such luxuries as they require, and by their industry, many families have risen to affluence. Lisbon is almost the only distant place with which these islanders keep up any thing like intercourse, although their ports are frequently visited by vessels, crossing the Atlantic.

As it were, riveted by the inimitable beauty and variety of the surrounding prospects; the verdure of the plains and forests; the fragrance of the air, and the lustre of a serene sky, the inhabitants of Terceira seem to have no cares beyond their native island—no ambition besides the preservation of that tranquillity which they have so long enjoyed. Famed for their loyalty and affection to the ruling monarch, as well as their ready obedience to the laws, and placed at a distance from those collisions and misfortunes which befel the mother-country, through the invasion of the French, their peace and union was not once interrupted, during the calamities of a

long war; nor had they been, at any period since they escaped from the Spanish yoke and Portuguese supremacy was established among them, so happy and prosperous, as they were when they became the victims of a political party, raised up for the purpose of prolonging the competition for the throne of Portugal, in a manner totally opposed to their wishes and interests, as will be seen from the following narrative, the principal object of the remaining pages.

On the 15th of May (1828) a vessel from Lisbon anchored in the port of Angra, bringing advices that the corporate bodies of the Portuguese capital had, on the previous 25th of April, hailed Dom Miguel as their lawful sovereign, and demand that he should be proclaimed as such; together with the Prince's answer to the Municipality of Lisbon. on the occasion of their waiting upon him with an address, expressive of the wishes of the people. The news of this event, which spread with the utmost rapidity throughout the city and neighbourhood, excited a lively interest among the inhabitants of the island, who were very generally of opinion that Portugal and her Dependencies could not be happy under a Charter, framed in Brazil; or suitably governed in any other mode than the one established by the ancient laws of the kingdom, for which they felt the same veneration as their Peninsular countrymen. The city was agitated, from one extreme to the other, and the inhabitants met indiscriminately to discuss a topic, on which they considered that their future welfare depended.

The prevailing opinion seemed to be that, situated as they were, and anxious to avoid all political quar-

rels, it was their interest to follow the example of Portugal, and accede to what they understood to be the general wish of the whole kingdom. A deputation was consequently sent to the Governor, General Albuquerque e Tovar, in order to explain to him the feelings and wishes of the inhabitants, who told them to apply to the Attorney-General, and request him to make a formal exposition on the subject to the Municipality, about to meet in the afternoon of that day, the 17th; the Governor further pledging that if the city delegates would not comply with their demands, he would do it himself. The Municipality being assembled, the members received an order to go to the Government-House; when, after some discussion, it was determined that, on so momentous an occasion, it would be proper to give greater solemnity to the Assembly, by formally convening the representatives of the Clergy, Nobility and People, and accordingly orders were issued for a meeting, so composed, to be held at ten o'clock, on the following day, the 18th.

Early in the morning, the square, in front of the Municipality, was thronged with inhabitants, of all classes, anxious to hear the decision of this important question. A lively interest was depicted on every countenance, and as the members passed on to the meeting, they were greeted in the most enthusiastic manner. An irresistible impatience seemed to pervade the concourse, and before the delegates had time to enter on the discussion of the point submitted to them, spontaneous and general shouts were heard in the square, urging that Dom Miguel should be proclaimed king, accompanied by loud and reiterated



huzzas. The members, assembled at the meeting, seeing that it was the manifest wish of the inhabitants that the island of Terceira should follow the destinies of Portugal, and judging that then to proceed to the discussion of a topic, on which all parties seemed agreed, would be mere matter of form, they ordered the royal standard, which precedes the Municipality, on all solemn occasions, to be unfurled and waved from the balconies of the Town-Hall, as a testimony of their approbation, and in token of their readiness to confirm the wishes of the people. A public act of all the particulars was next drawn up and recorded on the Journals of the Municipality, which was signed by the members present, as well as some of the principal inhabitants.

The 18th of May was indeed one of the most joyful days the City of Angra ever witnessed, and the inhabitants, of all classes and both sexes, evinced a heart-felt satisfaction at the accomplishment of their wishes. The city was spontaneously illuminated, for several nights, and numbers flocked up from the country parishes, dressed in their gayest attire; bearing garlands in their hands and singing couplets, suitable to the occasion, accompanied with music. They emulated each other in the shouts and acclamations uttered, day and night, by the crowds continually parading the streets. Not the smallest accident, or misunderstanding, occurred, and the whole passed off as the celebration of a national festival, rather than the demonstration of a political feeling. These islanders were, in fact, ever renowned for their loyalty, and distinguished for their abhorrence of a foreign yoke. After the whole of Portugal

had submitted to Philip of Spain, Terceira stood firm against him, till a formidable expedition arrived from Lisbon, which the inhabitants and the remnant of the national party who had joined them, were unable to resist.

Nevertheless, no change took place in the form, or administration, of the government, it being tacitly agreed to wait for the result of the legal formalities, which were about to be adopted in Portugal. It was, however, noticed that evil minds were at work, seemingly intent on disturbing the peace and unanimity, prevailing in the island. Certain movements were also seen among the troops, garrisoning the castle, as if bribery, or persuasion, was operating among them. Peaceable and well disposed persons, near the scene, indeed began to entertain serious apprehensions, which were unhappily too soon realized. On the 21st, a company of the 5th battalion of Chasseurs mutinied against the constituted authorities, and the following morning, at break of day, a party of them sallied forth from the castle and proceeded towards the Government-House, being joined on the road by several idlers and other persons, intent on disorder and pillage. The governor's residence was immediately attacked; but, so vigorous was the defence made by the militiamen on guard, who were instantly joined by several respectable neighbours, that the mutineers were compelled to withdraw. The unexpected fire, kept up on both sides for some time, at so early an hour in the morning, accompanied by the ringing of all the church bells, in signal of alarm, however filled the whole city with terror and dismay.

Towards seven o'clock, in the morning of the 22d, a stronger party, consisting of about 150 Chasseurs, commanded by Lieutenant Lobaõ, took up a position in the main square. Hearing however that militiamen, belonging to Villa da Praia, were assembling in the parish of St. Bento, near one of the city gates, they proceeded to the heights of Covas, a commanding position, midway between the square and the castle. The governor, anxious to avoid the effusion of blood, and possibly trusting that it would still be in his power to prevail on the regulars not to proceed to extremities, ordered the militiamen to disperse. Finding that no opposition was to be apprehended, the Chasseurs returned to the square, where a canon of the cathedral church of Angra and three or four residents harangued them, telling them that it was their duty to cause the rights of Dom Pedro IV., to be respected and the Charter sustained. The soldiers and the assembled mob burst forth into loud huzzas, when the Town-Hall bell was rung, to call together the members of the Municipality, who were forced to sign an act, exactly the reverse of the one above-mentioned.

Whilst this ceremony was going on, a random shot was fired, no one at the moment knew whence. The soldiers immediately seized their arms, and on pretext of its being directed against them, attacked a party of unarmed peasants who, out of curiosity, had collected in Galo-street, near the square, killing two and wounding a third. They next proceeded to seize on the person of the Governor and other individuals of influence and distinction, who were sent prisoners to the castle. The city of Angra was, from

that moment, overawed by a lawless soldiery, directed by a handful of interested demagogues. The whole range of the city being commanded by the guns of the castle, disarmed, and thus deprived of the aid of the constituted authorities, the inhabitants were plunged in the deepest despair, not knowing the fate that awaited them.

The commander of the battallon of Chasseurs, who virtually held the sovereign power in his own hands, next proceeded to form a provisional Junta, on the plea of the Governor's disability, and at length three persons were prevailed upon to take the supreme direction of affairs into their own hands. Indiscriminate arrests then commenced among the influential classes. The persons of some were seized, because they had obeyed the orders of the Governor; whilst others were sent to the castle dungeons, on the plea of having joined in the demonstrations of joy, evinced on the previous 18th. Many were deported to the other islands, and most of the respectable families of Angra plunged in the deepest affliction and dismay. The city was left, as it were, under martial law, and confidence among the inhabitants consequently at an end. Most of the heads of families, who had hitherto remained unmolested, withdrew to their country estates, or secreted themselves, as well to avoid the presence of the oppressors of their country, as not to witness the outrages and horrors going on. Every night, patrols sallied forth, in various directions, and arrested those who were deemed suspicious, or known to be opposed to the castle politics. These acts of insubordination were followed by others of systematic pillage, chiefly on

the property of absentees; but many of the most peaceable and inoffensive citizens equally suffered. A decree was subsequently issued by the "Supreme Provisional Junta," ordaining that the article of Dom Pedro's Charter, which forbids search to be made in private dwellings, by night, should be suspended, and that an inquiry should be instituted respecting the events which had occurred on the previous 18th. A list of proscriptions was, in fact, made out, and the persons therein named, as it were, deprived of the protection of the laws, or, in other words, left entirely to the discretion of the patrols, seemingly commissioned to fill the dungeons of the castle, no matter who were the victims, if they were unable to purchase their release. This dreadful system of terror was moreover accompanied by the expedient of denunciations and false witnesses, the usual appendage of injustice and oppression, by which means, the remaining inhabitants were deprived of all society and intercourse among themselves.

Immediately after the occurrences which took place on the 22nd, orders were issued to disarm the militia, till then employed as guards and sentinels. The most peremptory commands were also imposed on the inhabitants, without any exception whatsoever, to deliver up every kind of offensive weapon in their possession, and so strictly was this mandate enforced, that the peasants, in many instances, were deprived of their agricultural implements. The penalty, in cases of disobedience, being imprisonment, the terrified people hastened to comply with the demands of their oppressors; but the execution

of these rigorous measures being often confided to a sergeant's patrol, the door was thereby opened to numerous acts of extortion. The innocent avowals of a political sentiment, opposed to the views of the ruling party—an involuntary sigh at the misfortunes into which the island was cast; or even a smile of approbation at what was going on in Portugal, sufficed to tear a parent from the arms of his distracted children, and send him manacled to the castle. In some cases, in which possibly altercation had preceded, respectable farmers, as well as noblemen, residing at their country seats, had stripes inflicted upon them, by the mere mandate of a subaltern. J. B. de Bettancourt, a nobleman, was treated in this manner, independent of the tyranny and injustice of the act, the greatest indignity that possibly could be put upon him, and his cousin narrowly escaped sharing the same fate. Their only crime was having preferred a country retreat to a town residence.

About this time, a vessel of war arrived at Angra, having on board the Governor appointed by Dom Miguel, in his character of King, to which rank he had been raised by the solemn Declaration of the Three Estates of the Realm, confirmed by the subsequent concurrence of the whole kingdom. So elated were the new rulers with the power which they had lately acquired, that they refused to accept the officer, named by the Sovereign, without allowing the inhabitants the opportunity of expressing their opinion on the subject, as is usually done, on important occasions of this kind, by convening the representatives of the clergy, nobles and people. Having already

disarmed the inhabitants, concentrated the civil and military administration in their own hands, and being besides in daily expectation of succours from the Portuguese refugees in England; they did not now hesitate to lay aside the mask, and accordingly began to make preparations against any emergency. Naturally expecting that their refusal to acknowledge the new governor, would excite the indignation of the sovereign and bring an expedition against them, for the purpose of supporting his authority, further precautions were adopted, and every plan devised that could give strength and consolidation to the ruling party.

Among the expedients resolved upon, was the formation of a new Municipality, composed of totally different members to those who took their seats on the 18th, and had been elected to serve till the ensuing month of December. The appointments were made by the government, contrary to all the forms of municipal law and the city Charters; the number of members being also increased, and good care taken that they were stanch partisans. The Municipality was then ordered to elect two persons, to be added to the Provisional Junta, which was thus composed of five. One of the first acts of this Legislative and Executive body, of whom the most remarkable member was Captain Quintena, commanding the revolted Chasseurs, was the publication of an edict, dated August 28th, declaring that, as they wished to commence their government by maintaining peace and union, they commanded all persons, who had secreted themselves, to appear, within eight days, before the constituted authorities, pledging

that, if this was done, the parties, comprehended in the edict, should not be molested and have their personal security guaranteed to them; otherwise, that violent measures would be pursued against them.

It was naturally to be expected that, during the period, stipulated in this edict, no other domiciliary searches, by day, or by night, would take place. The patrols, nevertheless, continued their usual duties, a circumstance which cast fresh consternation throughout the island, not only among the persons who had secreted themselves, but also those whose avocations had not hitherto been in the least interrupted. The relatives of several families had, besides in the interval, acting in concert with their oppressed and indignant countrymen, gone over to the neighbouring islands, in search of arms and ammunition, with a view to second the efforts of any expedition that might arrive from Lisbon for the liberation of Terceira; and the spirit of this edict, as well as the general conduct of the government, gave rise to serious apprehensions that persons on the spot would, ere long, be made answerable for the acts of absentees, connected with them by the ties of blood; as, in reality, afterwards was the case.

During the interval, allowed by the decree, a frigate hove in sight, generally believed to be coming from Lisbon, and the precursor of the expected expedition. So confident was this belief, that the self-erected government evinced symptoms of alarm, whilst, at the same time, the islanders were encouraged, and several persons who had hitherto remained hidden, had the indiscretion to shew them-



selves. Visible movements and demonstrations of gladness were also noticed among the party, prepared to second the efforts of the looked-for armament; when, to the consternation of many and the astonishment of all, the frigate, on nearing the land, hoisted Brazilian colours, and proved to be the one which, a little while before, had left England. The members of the government, who by this time had recovered from their fright, sent two of their colleagues, Ferraz and Ornillas, on board, and the next day, they landed, accompanied by Brigadier Leão Cabreira; J. A. da Silva Torres and others, reporting that the first came in the character of military governor, appointed by the new Minister of State, the Marquess de Palmella, and the rest in order to aid him in the maintenance of the Charter and the rights of Dom Pedro.

From this moment, it became evident that the plan of the party, in possession of the supreme power, was to use the island of Terceira as a kind of rallying point, or centre, for offensive operations against Portugal, in favor of Dom Pedro's daughter, and the arrival of a Brazilian frigate, with the plan concerted, instructions, and the promise of early succours from England, in men, arms and money, tended to inspire all the adherents of the castle faction with fresh arrogance. Governor Cabreira entered on the duties of his new office, with all the prerogatives and attributes of a viceroy, and one of his first acts, was the issuing of a proclamation, in which he recommended union, and urged the persons who had secreted themselves to return to their homes. Another form was also given to the go-

vernment; the two new comers, Cabreira and Torres, being added to it; whilst Canon Ferraz retained his seat, and Judge Farinho took the place of Engineer Almeida. The government being thus organized, the next step was, the appointment of Ornillas as war minister; of P.H. da Costa Noronha Ponce de Leão, as minister for ultramarine affairs, and A. Martins Pamplona, as minister of the interior and finance, with the respective titles of Excellency and the corresponding establishments of secretaries, &c. In the small island of Terceira, a government was, in a word, established on a scale, equal to the wants of a kingdom, to the great astonishment of the reflecting part of the inhabitants, who could not comprehend the destinies which awaited them, or fathom the sublime plans of the London Directors.

In the short interval which succeeded the arrival of the new governor, the nightly searches in private houses were discontinued, and the persons who still remained in their hiding-places, began to think that the policy of the government had changed, by the adoption of more conciliatory measures. Their hopes were, however, soon disappointed. Trusting to the pledges held forth in the edict, and subsequently confirmed by the new governor's proclamation, numbers appeared before the constituted authorities, and received letters of protection. Very few days afterwards, the same persons were simultaneously seized, and without any charge being preferred against them, some were immersed in dungeons; whilst others were confined within the precincts of the castle.

Still apprehensive that an expedition would, ere

long, arrive from Lisbon, the governor ordered extensive preparations for defence. The garrison being too small to occupy various positions, it was determined that the main strength should be confined to the castle, which presented all the advantages of a citadel, and there the resources were ordered to be concentrated. It was further resolved that the works should be put in a complete state of repair, and the inhabitants were called forth to aid in the enterprise. Requisitions were also laid on all kinds of provisions, as well as other articles, required for a siege, and the farmers, with their carts, continually employed in conveying them up to the general depot; whilst the labourers were compelled to drudge in the works. Large quantities of pine timber were also felled and taken up to the castle, the surrounding grounds of which were planted with vegetables. The labours of the field were, in fact, suspended, in order to prepare for the expected siege, all which the farmers and labourers were told they were bound to do from motives of patriotism, and for the benefit of their country.

The ladders, used in private dwelling-houses, as well as in the churches, were conveyed beyond the walls of the fortifications, and under the pretext of safety, all the church-plate was also ordered up thither, together with large quantities of cattle and horses, taken from private individuals. The vessels, belonging to the island, were collected in a small bay, at the foot of the hill on which the castle is built, even including the fishing boats; those which could not be conveyed there, being either sunk, or burnt. The coffers of several corporations, belonging to various parts of

the island, were likewise transmitted to the castle, and, in a word, every measure of defence and precaution used, as if a savage enemy, from whom nothing but pillage and injustice could be expected, was about to make his appearance.

Towards the close of September, the few natives, as before-mentioned, who had gone over to the other islands in search of arms and ammunition, returned, with such supplies as they had been able to obtain, and safely effected their landing near Villa da Praia, the second town in the island, situated at the Eastern end, and opposed to the established government in political opinions. The latter, hearing of this event, sent out a party of 40 Chasseurs to apprehend them and the persons arming themselves; but the natives were victorious and the Chasseurs sent prisoners to Villa da Praia, where they arrived on the night of the 2d of October. The islanders, on this occasion, were commanded by Almeida and Moniz, two persons belonging to distinguished families, resident in the island, who the next day assembled the municipality of the town, when Dom Miguel was proclaimed, with the usual formalities, and a resolution adopted to carry on the government in his name. The captive Chasseurs, who had hitherto been kept in comfortable confinement, then requested permission to tender their adherence and join the townsmen of Villa da Praia, which was granted; when concord and unanimity were restored, and the inhabitants indulged in mutual congratulations, public rejoicings, &c.

In this manner, was a Provisional Junta established at Villa da Praia, through the efforts of the

natives, in a totally different interest to the one presiding in the capital, its principal object being, to satisfy the wishes of the inhabitants and maintain peace and good order, till the fate of the island was definitively decided. Wishing to avoid any collision with the government of Angra, and being besides too weak to undertake offensive operations, the guns of the fort having been previously removed, or spiked, and the inhabitants disarmed, the new governors of Villa da Praia addressed a letter to the Junta of the capital, explanatory of their intentions, and expressive of their wishes to see all kinds of hostilities suspended, till the point in dispute was settled by a superior authority. The bearer of this dispatch was a militia captain, of the town of St. Sebastian, attended by a black servant. Scarcely had he entered the city of Angra, by the parish of St. Bento, when he was seized by a patrol of Chasseurs and carried before governor Cabreira, who, after loading him with reproaches, ordered him to be confined in a dungeon of the castle, and sent his black servant on board of the Brazilian frigate.

A declaration of war followed, and, immediately afterwards, the main strength of the Chasseurs, forming the garrison of the castle, and the chief instrument of the acts of oppression which the island had hitherto endured, was sent against the town of Villa da Praia, when a smart contest ensued. Unprovided with artillery and having only a limited number of muskets, the native party, after a vigorous defence of the town, under Almeida and Moniz, withdrew to a neighbouring position, called Pico Saleiro, whence, having exhausted the whole

of their ammunition, and some of the militiamen, who had joined, having abandoned the cause, they made the best of their way to the interior, after some loss in killed and wounded, on both sides. The Chasseurs, elated with their success, returned towards Villa da Praia, and on their road burnt several houses, at a place called Casa da Ribeira, also murdering some persons, among whom was the curate of the parish. In the district of Tontinhas, they successively committed similar ravages, destroying and plundering every thing that came in their way.

The leaders of the political movements at Villa da Praia and their partisans, whom the Chasseurs were able to catch, were then made prisoners and conveyed to the castle, where some were whipped and three shot. The small party of regulars who had previously sided with the Villa da Praia people, subsequently rejoined their comrades, and the result of this event was, a more rigorous and systematic plan of police. The houses of absentees were burnt, and it was declared a criminal act to have had the smallest intercourse with Almeida and Moniz, and consequently punished as such. In many instances, acts of the most wanton outrage and savage barbarity were committed, the recital of which alone chills ones blood with horror. There is one case, however, too remarkable and too well authenticated, to be omitted, as it not only furnishes a fair specimen of the policy adopted by the ruling party; but also shews the extremes to which a lawless and dissolute soldiery can go, when uncontrolled by a superior power.

A wealthy farmer, named Andre Machado, resided on a large estate, called Jura-Xaá, within the city district. He was beloved for his benevolence and hospitality, and his house frequented by numerous neighbours, in consequence of his having large warehouses, in which he kept all kinds of articles, required for the consumption of the country. Being at a distance from the town, he had besides a small hermitage, or chapel, where he had mass regularly performed every Sunday, as well for the convenience of his own family, as the accommodation of the vicinity. Having, for years, been in the habit of keeping the festival of the Conception of Our Lady, the patroness of his chapel, which occurs on the 8th of December, his house, on that day, was filled with friends and neighbours, assembled to their annual devotions, as well as to partake of his hospitable board. In the midst of the religious ceremonies, his premises were suddenly surrounded by a detachment of Chasseurs, sent from the castle, who, with loud vociferations, ordered every thing to cease. They then drove the owner, his wife, children, officiating priest, domestics, and his numerous visitors into the court-yard, and set fire to the whole of the buildings, including the chapel, which, being chiefly constructed of wood, and the wind high, burnt with unusual rapidity. Thus, in very few hours, was that part of the farmer's property which had escaped the previous pillage of the soldiers, reduced to a heap of ruins, before his own eyes, without his once daring to repine, or remonstrate. And, what was the crime for which this chosen victim was thus made to suffer? The only charge alleged against him, was—some one

had denounced that bread had been baked upon his premises, for Almeida, one of the Villa da Praia leaders; yet, without any inquiry into the fact, such was the punishment awarded against him, and its execution could not have been confided to better hands than the Chasseurs, belonging to the castle garrison. The cattle and live stock were next conveyed away, whilst, at the same time, the whole of Machado's family were left without any other clothing, than that on their backs!

Patrols, by day and by night, were now seen ranging about the island, for the purpose of arresting suspected, or offensive persons, and more particularly in search of Almeida and Moniz, as well as their followers. At length, a price was set on their heads, and large rewards offered for their apprehension, dead or alive. Fearful of any longer implicating his friends, after the dreadful scenes which the islanders had witnessed, Moniz shortly afterwards voluntarily surrendered himself, and, in the very act, received two deep sabre wounds from the officer on guard, to whom he was delivering his own sword. He was then sent to a dungeon in the castle, with his wounds open, and thence, a few days after, in a most dangerous state, taken out and shot. Almeida and his few remaining companions, tired of being the inmates of solitary forests, and constantly changing from place to place, in order to avoid detection, unable to find a boat to convey them away, hit on the expedient of building one, near a secluded spot, called Matella, part of an estate belonging to a widow, residing at Angra. The boat was finished and placed on a cart, ready to be conveyed down to the water's



edge, when, all of a sudden, a party of Chasseurs appeared, seized the overseer, burnt the boat and cart, and laid the whole estate waste. The poor overseer was afterwards sent to the castle and periodically flogged; but Almeida and his faithful companions escaped.

In the month of December, the absent and infant Mary the Second was formally proclaimed Queen of Portugal and the dominions thereof, and Terceira declared the seat of her government. The Provisional Junta and the Military Governor being duly empowered by London appointments, on this occasion, determined to shew both their zeal and their consequence. As the immediate Representatives of the Queen; proud of the splendid dignity to which they had been raised, and trusting that their voice would be heard, not only in the interior provinces of Portugal, but also re-echoed to the furthest extremes of the globe, in their wisdom they ordained, that all petitions addressed to them, as a government, should be headed with the regal title of *Senhor*, and "Your Majesty" used in the body of the prayer!

Still haunted with the idea of a combined armament coming against them, their precautions were redoubled. It was commanded that the doors of the convents and churches should be opened to their patrols, at all hours in the night, and pronounced treason if any one evinced a demonstration of joy, on the appearance of a squadron in the offing. The islanders, whose influence they dreaded, after being subjected to every species of indignity and persecution, some of them being dragged through the castle dungeons, or the felons' prison, were driven

away, if an opportunity offered, to England, where several are yet to be found, capable of attesting the various stages of oppression through which their country has passed, and others exiled to the neighbouring islands. Still relying on the liberal offers of their London friends, the Superior of the Franciscan friars was directed to prepare quarters in his convent for the troops, assembled at Plymouth and ready to embark; and thus directed and supported, as the castle rulers supposed themselves to be, by the superior talents and experience of a veteran diplomatist, supremely empowered by Royal Letters Patent, signed by a child nine years of age, and besides in the expectation of daily receiving formidable reinforcements, they hoped to prolong their power and enjoy its sweets,—no matter what were the miseries thereby entailed on the islanders. The promised reinforcements indeed left Plymouth, under the assurance of their being bound to Brazil, for which destination they were cleared out, and actually four vessels appeared off the island of Terceira, about the 21st of January, the troops on board being under the immediate command of General Saldanha; but the British Government, judging perhaps that some deception had been practised in the embarkation and clearance of this force; that the attempt to make the island of Terceira a rallying-point for a hand-full of plotters and projectors, opposed to the new order of things in Portugal, was founded on a wild and visionary scheme; or, that the sailing of a disguised military force, from a British port, against the dependancy of a kingdom with which England is at peace and in alliance, would be considered as a

breach of neutrality, ordered a flying squadron after them and prevented their landing. They afterwards took refuge in a French port ; but some of the transports, belonging to the last division that left Plymouth, subsequently entered the harbour of Angra, in safety, and landed about 500 men, a force sufficient to aid in oppressing the wretched inhabitants, yet too insignificant in itself to give even the smallest hopes of success to the delusions and chimeras of the South Audley Street club ; or sanction a continuation of the lawless and arbitrary acts of a military faction, armed with an usurped power.

In contemplating the situation of the island of Terceira, from the 18th of last May, up to the present time, it is difficult to discriminate and pronounce whose conduct is most reprehensible, that of the party who planned, or of those who subsequently commissioned officers to execute the savage horrors of which its community have been the victims. The dissensions of Portugal cast a number of implicated persons on the shores of England, whose plans at home had been defeated by a variety of combined causes. Their moral influence was however lost, from the moment the *denouement* of the Oporto affair was made known, being driven with shame from positions which they had not the courage to defend ; and ejected from a country which their presence had hitherto only served to profane. Under the specious titles of Liberals, they had attempted the introduction of a system, founded on speculative and theoretical principles, intent more on gratifying their own pride and vanity, than anxious to open to the people a road that might lead them to happiness

and prosperity. Eager to raise the standard of revolt, for their own personal benefit, more than the general good, they forgot that, in seeking to throw down one form of government, they were bound to replace it by another, so as not to leave their countrymen, whom they professed to befriend, in a state of reactionary anarchy and painful uncertainty—the sport of factious and vindictive men.

Foiled in their hopes at home, yet relying on the aid of the Brazilian agents, they assembled in England, where, trusting to the sympathy and enthusiasm of British hearts, together with their own dexterity in disguising their real views, under the mask of Legitimacy, they sought to open a new theatre of action, and Madeira was the spot on which they cast their eyes. Here again their schemes were soon defeated, and, for a while, doubt and perplexity hung over their actions. The unnatural union between the Brazilian Emperor, who seemed to have forgotten their conduct during the time of the first Cortes, and the Portuguese Liberals, having however received additional strength, their drooping spirits began to revive. The Brazilian Princess, whom they were anxious to raise to the throne of Portugal, according to plans of their own, had, in the mean while, arrived in England, and wielding her father's private resources, and a strong sympathetic feeling in her favour being excited throughout Europe, by the misrepresentations of her rights and misfortunes, as well as the consideration of her tender age, her name was assumed, as a watch-word, and herself invoked as a kind of propitious and presiding Deity.

It being evident that the European Powers who had been parties to the Independence and Separation of Brazil, would no longer consent to Dom Pedro's interference in the affairs of Portugal, it became necessary to make the Brazilian Princess, on the ground of her Father's abdication, the prominent personage in all the fresh enterprises, contemplated. A more systematic plan was consequently called for, and a regular government organized, under the counsel and advice of her principal attendants. By a *Carta Regia*, or Royal Letters Patent, signed by the infant Princess, the Marquess de Palmella was appointed Minister of State, and doubtless suitable rewards held out, if he reconquered the kingdom, in which it was intended that his Royal Mistress should reign. No matter whether the appointment was consistent or constitutional—all being the work of speculation and emergency. The 91st article of the boasted Charter, of which the Noble Marquess was thus made the champion and administrator, does indeed say, that "the heir to the throne, is a minor, until he hath attained his eighteenth year," (consequently applicable to the female line, when entitled to the succession) whereas the Brazilian Princess was only nine years old when she signed the Letters Patent, intended to change the destinies of Portugal! Still, all was fair, just and expedient; a noble and splendid prize—nay, a crown being in view, for which the corresponding Sceptre had already been provided by the Marquess' liberal and patriotic countrymen and coadjutors in London.

The events which occurred at Terceira, towards the close of last May, as previously described, now

opened a fresh field for combinations and the display of that same kind of patriotism, evinced at Oporto and Madeira. In the existing state of things, this opening was too important—too interesting to be overlooked, and every engine, consequently set to work, in order to turn it to good account. It was deemed expedient to encourage the military faction which had gained possession of the castle of Terceira and overawed the inhabitants. Succours, of all kinds, were accordingly promised, and a governor appointed, on whose zeal and energy more reliance could be placed than the one who lately held the command at Madeira. All, in short, was done, through the intervention of a Brazilian frigate, in a manner the most imposing on the islanders; yet, after all, and dispassionately considered, what general good, even if the cause of the Portuguese refugees were just, and they had the resources of the Brazilian empire to support it at their command, can result from making the island of Terceira, situated almost midway in the Atlantic, a rallying-point for the furtherance of schemes, projected in London, and intended to operate at Lisbon! Could such wild and visionary plans, ever change the destinies of Portugal? Could the example of a small, secluded and distant island, even if the inhabitants were unanimous, standing alone and unaided by neighbours, having the same interests and feelings as themselves, produce any effect on a population of three millions? Supposing further, that one, two, or three thousand of the Portuguese, lately assembled in England, had been able to collect there, could any substantial and permanent advantage redound from

such a circumstance, if force of arms is to decide the question at issue, when a much greater number of well-appointed troops was, not long ago, driven from the most eligible positions around Oporto, without striking a blow !

These extravagant and speculative schemes may, and already have, entailed misery and wretchedness on a race of people who, from their habits and situation, for nearly a century and a half, have stood aloof from any thing like political strife ; but they never can promote the interests or glory of Dom Pedro's daughter, although her claims to the throne of Portugal were ever so sacred. Uncorrupted in their manners ; frugal in their mode of living ; brought up in the simplicity of heart, and hitherto enjoying an inviolable harmony among themselves, the islanders of Terceira can have no wishes to gratify, by the creation of anarchy in Portugal—no interest to see a war waged against the only country where they find a market for their surplus produce. Not perhaps acquainted with the ornamental accomplishments of the age, yet content with what they possess ; admiring the peculiar munificence of nature by which they are surrounded, and in the enjoyment of every thing that can endear society, they were tranquil and satisfied—they were in a state of progressive prosperity, till they experienced the late rude and perilous shock, which, it is to be feared, has plunged them into a long and gloomy period of anarchy and distress, without even producing the smallest benefit to the rash and inconsiderate parties who have unhappily disturbed their peace and union. Their countrymen are yet lingering in loathsome

and unhealthy dungeons ; or compelled to seek an asylum from violence and cruelty, in a foreign land. They themselves are governed by men who have no other stimulus to action, than ambition, or mutual hatred and revenge ; whilst, at the same time, every mandate their rulers issue, serves only to scourge the very country which they have already oppressed. What, may it be asked, could the natives expect from the presence of strangers and soldiers—needy and tyrannical, whose object is power, and whose chief reward is derived from plunder ! Every concurring testimony tends to shew, that the local administration is in the hands of a military faction, and wielded for purposes entirely foreign to the interests of the islanders. What laws therefore can a government, so constituted, dispense ; or what protection can the natives look for from its hands ?

And, in the number of the *soi-disant* patriots, who have endeavoured to rivet the chains of Terceira afresh, as well as to prolong the miseries of her inhabitants, by strengthening that military force which has already brought so many misfortunes upon them, is there not one who sees the folly of persisting to make so small, and secluded a spot, the theatre of a fruitless struggle—one who really feels a sympathy for the suffering islanders ? Among so many ministers and diplomatists, engaged in conducting the affairs of the Portuguese refugees, in England, is there not one who shudders at the destruction, likely to ensue ! The early history of the Azores islands is drear and gloomy, and till the time of the Marquess de Pombal, they lingered in a state of abject misery and dejection. That patriotic and enlightened



minister, however, rescued them from the neglect in which they were immersed, and laid the foundation of their future happiness and prosperity. His fostering care was indeed specially extended to these islands. They were improved by his authority; adorned by his munificence, and afterwards extolled by his pen. At the present day, the grateful inhabitants still worship his memory, with a species of Oriental idolatry; but, it may be asked, will that minister, who has so often wielded power in his own country, and is now exercising it, under a new and anomalous form, in this—the man whose flatterers, in the moments of their delirium, have more than once likened to a Pombal, after what has happened, ever occupy a similar place in the affections of the Terceira islanders; will his name be pronounced among them with veneration, like that of the high-minded patriot, to whom Portugal and her Dependencies owe so large a portion of that improvement which marked his administration, and effaced the traces of those ravages and calamities which his devoted country had experienced, during the dark dominion of the Spanish Philips! Time will afford an answer to this query.

But, to resume the subject. Endeavours have been made to induce a belief, that the island of Terceira is to be used as a rendezvous and place of outfit for the armament, intended to be sent from Brazil against Portugal, and the Emperor Dom Pedro's late answer to the Deputation of the Portuguese refugees, has accordingly been construed into a declaration of war, and even announced as a signal for the sailing of a formidable fleet. With such chime-

ras, as these, is it that the British public are continually deluded. No sooner is one conspiracy defeated, than another specious plot is hatched, as it were, to amuse the credulous. No matter how ridiculous the plan, on which it is founded—no matter how improbable the story, by which it is accompanied, as long as English Journalists can be found weak enough to approve the one, and give currency to the other. As the subject relates to foreign and distant countries, and it consequently takes time to unravel the truth, the delusion may last three, or six months, and this is a great point gained with eager speculators. These eternal dreamers, however, never reason with themselves; or, for a moment, consider the form of government under which Brazil stands; the peculiar circumstances in which that country is placed, or the light in which the affairs of Portugal are viewed there.

The supreme power in Brazil, is exercised by a “Constitutional Emperor,” who acknowledges himself raised to that dignity by the “acclamations of the people.” In his administration, he is, besides, restrained by a “Political Constitution,” which he made oath “to observe and cause to be observed;” pledging also “to promote the general welfare of Brazil.” That Constitution does indeed empower him “to declare war and make peace;” but, he is bound to submit the grounds, on which he acts, to the General Assembly, “whenever the interests and security of the empire require it.” Should he, however, be rash enough to undertake a war, contrary to the spirit of the laws, “the interests and security” of the realm, and in defiance of the implied will of

the people, he then stands precisely in the situation of the British Sovereign, and has the same restrictions imposed on the royal prerogative. He can have no supplies without the aid of the General Assembly, who alone dispose of the revenue of the State, and, as money is the moving spring of all great and expensive enterprises, the Brazilian Emperor is thus left dependent on the will of others, whose feelings have not the same bias as his own. Like the King of England, he may declare war; but he cannot carry it on without the aid of his Parliament, and to that body the Emperor of Brazil, in no speech, or message, for the last three sessions, has once ventured to make the slightest communication, or allusion, respecting the affairs of Portugal, except at the opening of the Chambers, on the 6th of May, 1826, when he announced his father's death, and enumerated the measures which he had adopted for the future government of Portugal, taking great credit to himself for the sacrifices which he had thereby made, to keep his previous engagements with the Brazilians.

The communication was received with manifest displeasure by the Chambers, and in the address presented, in reply, no notice whatsoever was taken of it. From that moment up to the present time, the emperor has not ventured to renew the subject; nor is there a single act, or measure, adopted by him, in reference to Portugal, in which even a Brazilian minister, or functionary, has taken the smallest part. Every thing has been done by the emperor himself, in his own closet, aided only by his private secretary, a Portuguese. Dom Pedro's hasty and impetuous

temper has, indeed, been worked upon by designing men, who have insidiously misrepresented the conduct of his brother, as well as the situation of Portugal. Every thing, in short, has been done to embitter his feelings; irritate his temper, and poison his affections. The same species of misrepresentations and exaggerations; all derived from one uniform source, and published in some of the London Journals, have been carefully placed under his eye, and confirmed by the reports of those who had an immediate interest in his believing them. Susceptible of the very best, as well as the worst, impressions—these stratagems had their desired effect. His breast was often kindled into rage, and there have been times when, had he commanded the thunderbolts of heaven, he would have hurled them against the head of a brother, whom his flatterers wished him to believe was an ingrate and his inveterate enemy, and felt an interest in his being treated as such. The storm, however, soon blew over, and, in his calmer moments, when he recollected the reiterated pledges which he himself had made to the Brazilians, on his own behalf and that of his whole family; when he reflected on the nature of the Constitution by which his empire is governed, and, more than all, when he remembered that he himself was raised to the Imperial throne of Brazil, by the voice of the people, a right to which he never could be induced to think that the Portuguese nation is not equally entitled, particularly if in the presence of Brazilians, he has been known to smile at his own folly.

One authentic anecdote alone shews the emperor's

feelings towards his brother, in a clearer manner than whole pages could describe them, and is besides the best possible criterion to form a correct opinion how the affairs of Portugal are viewed in Brazil. In one of the large saloons of the Imperial Palace, hang all the portraits of the Braganza Family, and consequently, among them, that of Dom Miguel. In one of those paroxysms of infuriated rage, and, when his feelings had been wrought up to the highest pitch, possibly by the perusal of some of the long and powerful despatches which he is in the habit of receiving from London, the emperor assembled his attendants; flew to the picture saloon; swore he would have his brother's portrait kicked about the palace—burnt in the main square, and, as sovereigns naturally do, then looked round to his hearers for an obsequious assent. Not a line was altered in the features of a single countenance around him. His attendants waited to obey his commands, in profound silence. After a pause, he ordered the face of the portrait to be turned towards the wall, and in that same position does it still hang, to the amusement of the Brazilians and foreigners, passing the saloon, who cannot forbear smiling, when they call to mind the circumstances which led to the exhibition of the bare canvass.

The same hasty and impetuous temper was evinced by the emperor, throughout the whole war against Buenos Ayres; yet, after the fallacy of his calculations was made apparent, he accepted the terms proposed, and signed a Treaty of Peace, in the best spirit of sincerity. The day is not far distant, when he will as readily order his brother's picture to be

turned. One of the best traits in Dom Pedro's character, is, that he does not bear enmity long, and is open to conviction. If once undeceived, and he now shortly must be, when he learns the real situation of affairs in Portugal; when he is made sensible of the follies of those who have been acting in his name; or that of his daughter, and when he sees the immense sums of money, squandered away in idle and visionary schemes, which have covered their projectors with eternal disgrace, he will be the first to acknowledge his error and tender the hand of reconciliation. The best proof of his goodness of heart, is, the manner in which he sometimes allows his judgment to be perverted by the wily stratagems of designing men. He has been told that what he is doing, was for the benefit of the Portuguese people; and that thus only could he make them happy. Let him know the real consequences; let the truth reach his ear, and let him have it in his power to appreciate justly the acts of those who have misled him and disgraced his daughter, and the deceptive vision of a Portuguese throne will vanish from his sight. He is the fondest of all parents, and certainly the object of his tender affection, now in England, is deserving of his warmest regard. He vainly thought he could make her the instrument of happiness to his native land, and hastily—nay rashly, adopted the expedient pointed out to him. He thus implicated his own character, in the eyes of Europe and America, and a mixed feeling of obstinacy, shame, and parental regard, now prevents him from receding. The same delusions, of which he and his daughter have been the victims, are besides still going on;

whilst distance, in the mean while, prevents the sincere and more mature advice of his European Allies from producing an earlier effect.

As far as regards an open war, in which the Brazilians are to take a part, a more ridiculous idea was never put forward. The present dispute, pending between the two male branches of the House of Braganza, if such it can be considered, when the point at issue has already been set at rest, in a constitutional manner and by an authority superior to either, in Brazil, was never looked upon in any other light than as involving a family question, confined merely to the Imperial Palace. The commercial relations between Portugal and Brazil, accordingly, were never, for a single moment, interrupted; nor have any hostilities been hitherto waged on behalf of the emperor, which had not their immediate origin in London. It never has, and never can be, in the power of Dom Pedro to carry on a Brazilian war against his brother. The late war with Buenos Ayres, one in which his subjects felt no interest, and consequently with reluctance took a part, as was seen in all the land and sea movements during its progress, afforded him lessons, too serious and too striking, to be so soon forgotten. Whilst then persevering in a distant and fruitless contest, yet one belonging to the same hemisphere and carried on in a territory, contiguous to his own, he saw that his empire might easily be convulsed to the very centre of its foundations, and his own throne crumbled into dust.

The situation of Brazil is peculiar and precarious. The population of the empire may be rated at four millions and a half, of which one million are whites;

being native Europeans, or their immediate descendants, born in the country. Next follow about half a million of free people of colour, generally speaking, the spurious offspring of the whites; and 200,000 blacks, who have been able to purchase, or inherited, their freedom. The black slave population is now estimated at two millions, and goes on increasing, in the ratio of 40,000 per annum, to whom are to be added 300,000 mulattoes, equally held in bondage, and the remaining half million is made up of civilized Indians and foreign settlers. Of the whole of this population of four millions and a half, the only real and sincere friends the Emperor has in Brazil, are the native Europeans, who do not exceed 100,000 persons, and the Brazilians, holding slaves and estates, who cling to him, because, from the moment the general principles which have triumphed in the other divisions of the American continent, prevail in Brazil, they are themselves exposed to inevitable ruin.

With such elements as these, and the law of the land besides opposed to him, how could the Brazilian emperor, whose European origin has more than once been alleged as a subject of reproach against him, in the various revolutionary movements which have occurred at Bahia, Pernambuco, &c., undertake a war against Portugal, even if the resources of his empire and the facilities, afforded by the island of Terceira, were ten times greater than they are? His only real and sincere friends, the native Portuguese, whose very existence rests on the maintenance of order and the supremacy of the whites, would instantly desert his banners; whilst the Brazilians



would refuse to pay the expences of a foreign war, in which they have no interest; their only aim and chance of security being, to keep aloof from the turmoils and contests which have so often disturbed the peace of Europe, to which, from their situation in another hemisphere, they are totally estranged.

Such would be the result of any war which the Brazilian emperor, were he ever so much inclined, might seek to hazard against Portugal. He has, however, had still a stronger and more impressive lesson of his own weakness, than the Buenos Ayres war, in the revolt of the Irish and German brigades, sent out, as props to his power, by the very agents whose acts he has hitherto been accustomed to approve. On that occasion, he was in a most perilous dilemma, and expressed himself grateful for the aid, afforded him by the foreign ships of war, at anchor in his port. Is he then prepared to carry on hostilities, at two thousand leagues distance from his own capital; hostilities, in which he could alone rely on the effective aid of the troops, not long ago driven from Oporto, most of whom are, by this time, undeceived, and regret the inauspicious moment when they sacrificed the interests of their country and the peace and welfare of their own families, in the pursuit of an illusion? Under such circumstances, can he look for the concurrence of either the Brazilian Legislature, or people? Without the previous sanction of the national delegates, would he venture to become the aggressor, in a contest for his own personal aggrandizement, or that of a member of his family, whilst all the chances are against him? Besides, nothing could unite the Portuguese more, even

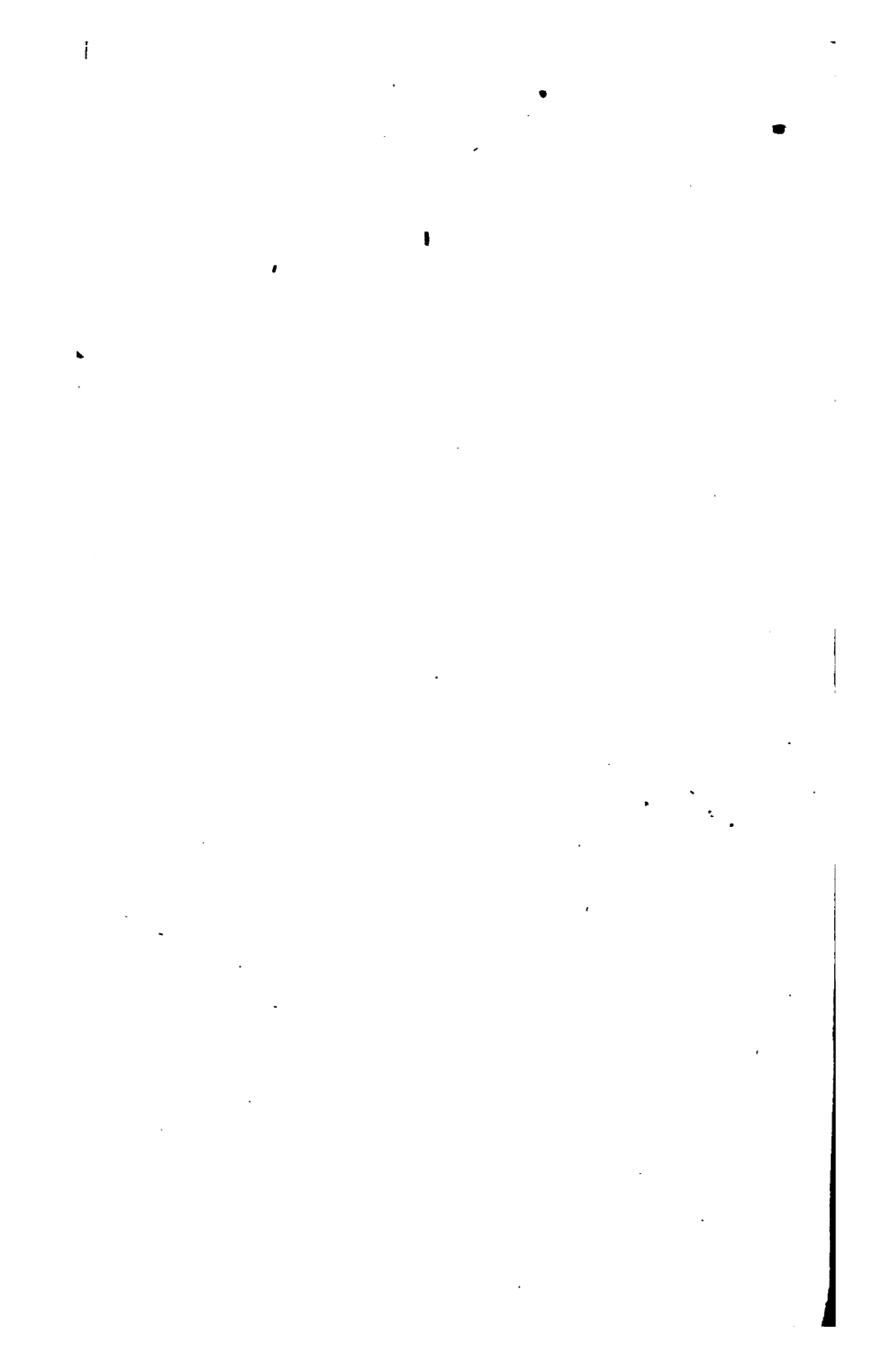
if they were divided, than an army of Brazilians, landing on their shores.

Common prudence—if not common sense, suggests a negative answer. The Session of the Brazilian Legislature is, at present, closed, and it cannot meet till next May, unless specially convened, on some great emergency. After the experience of the past, would an inclination to comply with the idle schemes and visionary plans of the Portuguese refugees, collected in England, France and Terceira, warrant its extraordinary convocation? Would the Emperor himself dare to meet the assembled delegates of the Brazilian empire, with such a project as a war against Portugal, and the junction of a naval and military armament in the island of Terceira? The idea, in itself, is preposterous. If, on the other hand, he does not assemble the Legislature, at an unusual season and in an unconstitutional manner, in that case, nothing can be known of the formidable preparations for the Brazilian Armada, which have already been echoed through half the London Journals, for the next four months, as the meeting ordained by the Constitution, does not take place till the ensuing month of May.

Granting, however, for the moment, that the representatives of the Brazilian nation were assembled in congress, and the prayer and project of the Portuguese refugees submitted to them, what answer has the emperor reason to expect at their hands? Indignantly, would they not tell him, that when they determined to establish their independence, it was with a firm resolution to cut off all connection with Portugal, which could, at any time, involve them in

her quarrels, and that, on this condition alone, they offered to him, and he accepted, the Imperial crown? Would they not remind him that their interests were confined to their own hemisphere, and that, in the exhausted state of the national treasury and the precarious situation of the population, they were not inclined to hazard an expensive war, of doubtful issue, either to gratify his personal revenge, or aggrandize any individual member of his family? Would they not frankly declare to him, that his endeavour to involve them in a war, for a boon, foreign to their "interests and security," was not only contrary to the fundamental principles of their national code; but also diametrically opposed to his own solemn and reiterated pledges? Would they not fearlessly point out to him, that the youthful and interesting Princess, whom he seeks to estrange from them, for ever, and plunge into a labyrinth of turmoils, is no longer at his disposal, being the Heiress Expectant to the Imperial throne, and, as such, in great measure, identified with its duration? Would they not forewarn him of the anger of the High and Allied European Powers; and, finally, would they not, at once, admonish him of the consequences of his rashness, by adding, that a Brazilian fleet and army, sent against Portugal, would run the same risk of being driven away by orders of the British government, as the Portuguese refugees were from the island of Terceira?

FINIS.









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